DOCUMENT RESUME

ED 417 286 CE 075 967

AUTHOR	Potosky, Alice
TITLE	Taking the Worry Out of Work-Based Learning. The Law, Labor & School-to-Careers.
INSTITUTION	American Vocational Association, Alexandria, VA.
PUB DATE	1998-00-00
NOTE	94p.
AVAILABLE FROM	American Vocational Association, 1410 King Street, Alexandria, VA 22314; phone: (800) 826-9972.
PUB TYPE	Guides - Classroom - Teacher (052)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	Cooperative Education; *Education Work Relationship; *Employer Employee Relationship; *Labor Legislation; Legal Responsibility; Program Implementation; *School Business Relationship; Secondary Education; *Work Experience Programs; *Youth Employment

ABSTRACT

This book contains information, case examples, resources, and ideas to help eliminate the fears of businesses with regard to legal and labor issues and get them involved in school-to-careers (STC) systems. It contains five chapters that cover the following: (1) the need for and the benefits of employer involvement in school-to-careers systems and potential barriers to their participation; (2) what the School-to-Work Opportunities Act, the Fair Labor Standards Act, and child labor laws have to say about placing students in the workplace and how to distinguish between employment and learning experiences; (3) why terms such as liability, workers' compensation, accident insurance, and confidentiality and bonding are not problems; (4) how to ensure that work-based learning efforts will have employers' full support--creating a safe, meaningful, and productive experience for all students; and (5) putting all the information together, with an emphasis on communication that avoids misperceptions and assures employers that, in school-to-careers, the benefits spread evenly and everybody wins. Eight appendixes include the following: 35 resources, a work-based learning opportunities chart, lists of regional wage-hour offices and state child labor contacts; application of state and federal child labor laws, and lists of state workers' compensation offices, state union contacts, and state school-to-work coordinators. (KC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 417 286

Taking the Worry Out of Work-Based Learning

The Law, Labor & School-to-Careers

by Alice Potosky

CE 075 967

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

P Plawin

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

2B

BEST COPY AVAILABLE

Taking the Worry Out of Work-Based Learning

The Law, Labor & School-to-Careers

By Alice Potosky
Eric Ries, Editor

Published by the American Vocational Association
1410 King Street, Alexandria, VA 22314

© Copyright 1998 by the American Vocational Association.
No part of this publication may be reproduced in any form
without the express written permission of the association.

Alice Potosky is a marketing consultant in Alexandria, Virginia, who has worked for and with educational organizations for the past 15 years. She was among the authors of AVA's 1996 publication *Powerful Partnerships: School-to-Careers Success Through Business & Education Cooperation.*

Contents

Chapter 1: School-to-Careers Means Business 1
The need for and the benefits of employer involvement in school-to-careers systems, and potential barriers to their participation.

Chapter 2: It's the Law 7
What the School-to-Work Opportunities Act, the Fair Labor Standards Act and child labor laws have to say about placing students in the workplace, and how to distinguish between employment and learning experiences.

Chapter 3: Liability and Related Legal Issues 21
Why words and terms like liability, workers' compensation, accident insurance and confidentiality and bonding are nothing to get nervous about, and how you can make businesses into believers.

Chapter 4: Shoulder to Shoulder with Labor Partners 31
How to ensure that your work-based learning efforts will have employees' full support — creating a safe, meaningful and productive experience for all students.

Chapter 5: Making Reality the Perception. 43
Putting it all together, with an emphasis on communication that avoids misperceptions and assures employers that, in school-to-careers, the benefits spread evenly and everybody wins.

Appendix 1: Resources. 49

Appendix 2: Work-Based Learning Opportunities Chart 53

Appendix 3: Regional Wage-Hour Offices 59

Appendix 4: State Child Labor Contacts 63

Appendix 5: Application of State and Federal Child Labor Laws 71

Appendix 6: State Workers' Compensation Offices 75

Appendix 7: State AFL-CIO Contacts 83

Appendix 8: State School-to-Work Coordinators 87

School-to-Careers Means Business

1

You have a solid, vital program in technology, family and consumer sciences, marketing, agriculture or another vocational area. Your students are eager to go out into the workplace to get hands-on experience. You know they need this opportunity to make a successful transition to a career. Your state, in fact, may have mandated that every one of your students, vocational and non-vocational, eventually take part in some form of work-based learning.

But where do you place all these students? Who will provide the necessary work sites for your students' first encounter with the world of work? Employer participation is the ingredient that can make or break your school-to-careers (STC) program.

Nationwide, employer participation is the proverbial good news-bad news story. First the good news: In one recent period tracked by the National School-to-Work Office (NSTWO) — December 1995 to June 1996 — employer participation increased by 50 percent, from 135,000 up to 200,000 businesses engaged in formal school-to-work partnership.

The bad news? According to the NSTWO's *Report to Congress: Implementation of the School-to-Work Opportunities Act*, published in September 1997, fewer than 1 percent of the nation's employers are involved in STC. Among businesses with 20 or more employees, the number jumps to 26 percent, according to national employer survey results released in November 1997 by the University of Pennsylvania's Institute for Research on Higher Education. Still, employer involvement in STC remains both a real challenge and a huge opportunity for schools and vocational educators. There is an untapped universe of businesses out there.

"We still have a long way to go," says Richard Luecking, a team member at the NSTWO. "Employer participation is growing rapidly, but we are going to have to increase it tenfold."

For that to happen, however, schools must do a better job of recognizing, addressing and alleviating the many concerns that turn employers off to participating in STC systems. And legal and labor responsibilities are prominent on that list.

Employer participation is the ingredient that can make or break your school-to-careers (STC) program.

Everybody Gains

Clearly, expanding employer involvement is crucial to the long-

As you recruit businesses into your system, it's important to stress that they stand to gain every bit as much as the school does.

term success of any STC system. Schools need businesses to share information on their needs, offer students opportunities to gain hands-on work experience, ensure compliance with legal requirements and build awareness among teachers and administrators of employers' concerns regarding students in their workplaces.

Employer participation benefits students and teachers through the knowledge they gain about the latest technology in the business world and increased access to resources, mentors, advisors, tutors and equipment. And business involvement allows teachers to provide students with the practical skills and experience they will need to get good jobs.

Students gain self-esteem and a better sense of their education and career possibilities. Links that provide students with accurate information on what will be required of them at work are vital; this demands the active participation of the business sector.

But taking part in STC programs is not simply an act of altruism by employers. As you recruit businesses into your system, it's important to stress that they stand to gain every bit as much as the school does. By practicing a few powerful talking points, you can approach potential employers with a mutual-gains proposition that is far more likely to meet with success than a please-help-us-out appeal.

Businesses benefit by participating in curriculum development to meet industry needs and by helping to create an improved workforce that can better compete in the global economy. Global competitive pressures are driving American businesses to develop more productive workplaces in order to survive. Many of the innovative structures place a greater emphasis on the ability of all employees to plan, adapt to new situations, work in teams and solve problems amid constant change. STC initiatives can encourage these new behaviors, transforming workplaces into learning environments for both youth and adults and helping businesses succeed in the global economy.

By participating in work-based learning programs, employers make an important investment in the quality of students' education and ultimately the quality of tomorrow's workforce. In addition to creating a pool of qualified workers they can rely on now and in the future, STC participation may actually allow businesses to reduce their overall costs of recruiting, selecting and training new workers. Incumbent workers may experience renewed job satisfaction through mentoring students.

So what's the holdup? If participation in STC systems is so great for employers, why aren't more of them involved?

The Barriers: Perceptions of Employer Concerns

To partially answer that question, let's take a look at how state STW coordinators responded to a 1996 survey conducted by the National Governor's Association (NGA).

It shed light on the state coordinators' *perceptions* of employer barriers to STC involvement. (Next, we'll learn what employers themselves in one state have to say.)

Nearly 60 percent of the coordinators cited liability concerns and workers' compensation laws (grouped together in the NGA survey) as one of the top three most significant hurdles in their efforts to recruit employ-

ers. Employers' lack of time ranked second, with 40 percent of respondents listing it as a negative factor. Child labor laws placed third among employer concerns, at 29 percent.

It's noteworthy to look at the number of school-related concerns cited in the survey — matters over which schools have a degree of control, and where the onus falls on schools to improve and communicate better. Nearly 20 percent of the respondents mentioned school schedules and employers' difficulty in working with schools. Low expectations of students and lack of information about STC programs also were cited, but with less frequency.

If we separate states with STC implementation grants from those with (smaller) development grants, we notice one interesting difference in the responses. Those states implementing STC programs did not list the cost of student wages among their top three concerns, while those still developing STC systems cited wages as their third-ranked concern — a clear illustration of the way experience can change perception.

A comparison of educators' perceptions of what employers think and what they actually say also may prove illustrative. For the perspective of employers, we turn to Wisconsin.

The Barriers: Employers Speak Out

The National Center for Education and Work at the University of Wisconsin-Madison completed a first-ever survey of employers in the state in January 1997 as part of its overall evaluation of the larger Wisconsin School-to-Work Implementation Study. The telephone survey broke down employers into two groups — those that had work-based learning or other formal agreements with the high schools participating in the implementation study and those that did not, randomly selected from the same communities.

Among other goals, the survey sought to describe perceived and actual barriers to business involvement in work-based learning. The study revealed that an overwhelming majority — nearly 94 percent of respondents — said they were either very satisfied or somewhat satisfied with their involvement in STC. The study's authors also assert that interest in STC among employers is very high in the state.

Some 43 percent of the employers surveyed do not employ any high school students. A significant number of these responded that worker safety laws prohibit employment of minors and that they would never to able to employ high school students.

More than 50 percent of all the businesses identified students' lack of "life skills" (such as showing up for work on time and having a strong work ethic) as a barrier to hiring high school students. However, employers with work-based learning students were more likely to cite youth behavior and productivity as problem areas.

Looking specifically at two barriers to involvement — liability issues and costs — there are some interesting differences. Companies without student workers were more than two times more likely than participating businesses to identify liability issues as a barrier to hiring students. Stated another way, businesses in Wisconsin involved in STC see liability issues as a much less significant barrier to participation than do nonparticipating companies.

Breaking liability issues down, the survey offers a startling contrast in the frequency with which nonpartici-

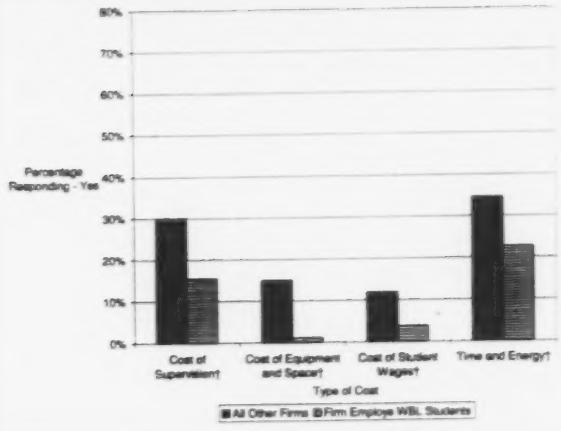
Companies without student workers were more than two times more likely than participating businesses to identify liability issues as a barrier to hiring students.

BEST COPY AVAILABLE

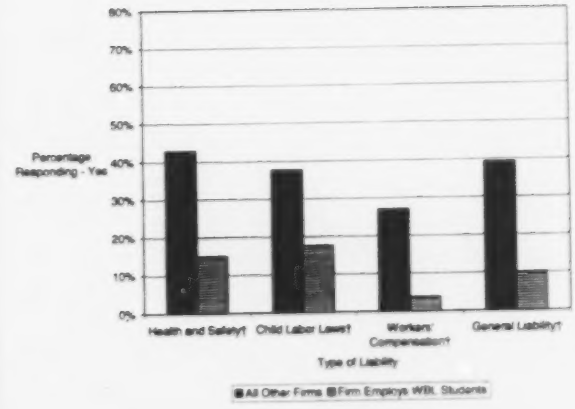
pating and participating employers mentioned specific liability concerns as barriers. For example, while a sizable 43 percent of nonparticipating employers cited health and safety concerns as a barrier, only 15 percent of participating businesses did so. Similarly, businesses employing students listed program costs as being significantly lower than did firms not involved in these programs. (For these and other comparisons, see Exhibit 1-1.)

Exhibit 1-1

Survey Responses: Cost Barriers to Hiring High School Students



Survey Responses: Liability Barriers to Hiring High School Students



—from *Wisconsin School-to-Work: Employer Survey Report*, Center on Education and Work, University of Wisconsin-Madison

"The large differences in perceived costs and benefits to involvement in work-based learning programs between participating and nonparticipating firms suggest a lack of knowledge on the part of the nonparticipating firms," say the authors of *Wisconsin School-to-Work: Employer Survey Report*. "This large information gap can be seen in the nonparticipating firms' overestimation of participation costs and barriers."

We can further surmise that the barrier of liability issues might be more a perceived than an actual problem. But, as Luecking points out, "If there's the perception of a problem, then there's a problem."

Misperceptions Abound

As we have seen in Wisconsin, misperceptions spring from insufficient information and experience. Take liability — a natural and very real concern, but one that can certainly be surmounted with some effort and inventive strategies.

"It's fine and necessary to have concerns about liability," says Peter Joyce, vice president of the National Alliance of Business (NAB), "but I'd hate to see fear of liability prevent businesses from thinking creatively about how to ensure safety for youth."

While some people view potential barriers as an opportunity, others may see them as justifications for inaction. In the case of students in

the workplace, some groups that object to STC programs cite potential dangers to student health and safety. Some proponents of STC, on the other hand, believe these groups' agenda is strictly to oppose any further government involvement in local school programs.

"Opposition outside of the business community is being voiced," Joyce notes. "A number of people use the idea of student safety as a lightning pole to argue against having government [more] involved in public education."

The issue of liability is complicated and there are a number of possible problems. But one can become paranoid and erect barriers unnecessarily. At some point employers need to think issues through, take the necessary precautions and proceed.

The NAB believes businesses should take every precaution possible to protect students and themselves in the workplace. This gives businesses and schools a chance to work creatively to prevent liability issues from becoming a barrier to providing students with work-based experiences that will prepare them for productive and fulfilling roles in the labor force.

Also, you must remind employers that the very nature of STC programs protects them to some degree. As long as students in their workplaces are taking part in a learning program, they do not fall under the provisions of the Fair Labor Standards Act (FLSA; see Chapter 2 for more detail).

Education is the Key

Lack of employer knowledge about STC is a problem schools are dealing with every day. But the effort to educate business must be undertaken in a targeted fashion, combating those areas — either real or perceived — that trouble employers.

Ongoing education aimed at employers must be based on a thorough understanding of their concerns and needs. Strategies to expand their involvement must address and lessen the onerous burden that may exist merely in their minds — a bogeyman that may nonetheless dissuade them from placing student workers at their work sites.

Schools can help businesses through various information vehicles designed to allay their fears and lighten their load. Educators have a wealth of partners at the national level. Many groups are active in promoting STC partnerships, including the NAB, the AFL-CIO, the NGA, the NSTWO and the American Vocational Association (AVA). Several research and policy groups publish valuable information. Many of these sources will be cited in the text of this book, with contact information available in Appendix 1.

Because some employers may lack the knowledge to get involved in STC, professional development will be key. The National Educational Leadership Council (NELC) was formed in 1994 to enlist the support of business executives and build their understanding of STC, and it has developed a multipronged strategy for building this capacity. The NAB, meanwhile, offers services — publications, workshops and on-site technical assistance — to train employers in designing and implementing effective STC programs. Part of the training addresses legal and labor requirements and concerns.

State and local STC partnerships and other intermediary organizations also have responded to the need for information and development

The effort to educate business must be undertaken in a targeted fashion, combating these areas — either real or perceived — that trouble employers.

By becoming more aware of and responding appropriately to the concerns of businesses in your community, you will greatly increase your school's chances of recruiting and retaining these valuable partners.

through training sessions, conferences, publications and how-to guides. In this book, you will learn about several states that have developed unique documents to guide schools and businesses through the maze of legal and labor issues.

AVA, in its 1996 book *Powerful Partnerships: School-to-Career Success Through Business and Education Cooperation*, provides a comprehensive overview of business involvement in STC systems. But now that the School-to-Work Opportunities Act (STWOA) has been in place for more than three years, it's time to look specifically at how we can build on the growing participation of business so that we can garner all the employer resources available to help students take advantage of work-based learning.

Giving You the Tools You Need

When AVA looked at the levels of employer involvement and barriers to increasing that involvement, several things became clear. First, legal and labor issues are often raised as disincentives to employer participation. Second, these issues can appear onerous in their complexity and variety, both to schools and business. Third, educators must be armed with all the information they can muster to successfully approach businesses, allay their fears and hesitation, and devise strategies that lessen their burden.

This book will give you the information, case examples, resources and ideas you need to help eliminate the fears of businesses with regard to legal and labor issues and get them on board in STC systems. In effect, it will make you the point person, the expert, on the subject of legal and labor responsibilities in implementing STC for both your educator-colleagues and the businesses you are working with or striving to recruit. By becoming more aware of and responding appropriately to the concerns of businesses in your community, you will greatly increase your school's chances of recruiting and retaining these valuable partners in your STC system.

It's the Law 2

Employers may shoot some tough queries your way when you attempt to recruit them into your STC program. Will you be able to handle the questions they raise about legal requirements? There are simple answers in many cases, and when the answers aren't so simple, you can turn to specific guidelines for help. Just knowing the basics of the STWOA and the pertinent aspects of the FLSA — those involving safety and health and child labor laws — will stand you in good stead when you need to assure employers that legal issues pose no insurmountable obstacle to joining your STC system. As we shall see, STC initiatives involve no more and no fewer regulations than otherwise govern the presence of youth in the workplace.

The STWOA itself imposed no new regulations whatsoever regarding the employment of young people. While schools are placing an ever-increasing number of students in workplaces to give them a quality work-based learning experience, the STC movement has entailed no additional legal burdens on employers or schools. True, the sheer quantity of student workers since 1994 has focused more attention on legal requirements, but the actual laws have not changed. Students have been in the workplace for decades, and employers have had to abide by the legal restrictions that have existed since the 1930s.

That said, let's take a look at the law. Crafters of the STWOA were careful to make sure participants in STC programs understand that the act does not exempt them from adhering to existing federal and state labor laws. The wording of the legislation reflects a conscious effort to underscore the supremacy of existing law.

The simple, brief section of the STWOA devoted to legal requirements — Title VI, section 602 — was designed to guarantee the rights of both current workers and students entering the workplace under school programs. Here's the gist:

- Students may not displace any current employee.
- Students may not be placed in positions where a worker has been temporarily laid off or in positions that were previously affected by reductions in force.
- STC programs may not impair existing contracts for services or collective bargaining agreements.
- Students must be provided with workplaces that meet safety and

Just knowing the basics of the STWOA and the pertinent aspects of the FLSA will stand you in good stead when you need to assure employers that legal issues pose no insurmountable obstacle to joining your STC system.

BEST COPY AVAILABLE

The statements on safety and health and civil rights remind educators and employers that students in these programs are guaranteed the same rights and protections as other workers.

health requirements under federal, state and local law.
- STC programs must not violate any person's civil rights.
- Students in STC programs must be given adequate supervision by skilled adult workers.
- No portion of the funds allocated under STC programs may be used to provide wages for students.

Five of the seven guarantees simply restate existing law. The first three prohibitions reflect the concerns of workers, who are significant stakeholders in the creation and implementation of the STWOA. The inclusion of these requirements underlines the rights of workers under employment law and union agreements and makes it clear that the STWOA does not alter them. These worker rights pertain to any person or group entering the workplace, not just students.

The statements on safety and health and civil rights remind educators and employers that students in these programs are guaranteed the same rights and protections as other workers. Employers must comply with the specific requirements of the FLSA (see next section) when partnering with schools for STC programs, but this is not any different from the precautions and rights granted to all workers. Whether a school sends a student to a work site as part of a formal STC agreement or whether a youth, in or out of school, applies for a part-time or summer job of his or her own accord, the employer is equally responsible for adhering to safety and health regulations and civil rights laws.

The supervision requirement addresses the need to connect the work-based experience to the student's program of learning. Indeed, only if students are adequately supervised will they be able to achieve the goals the partnership has set out. This places a responsibility on educators, employers and employees to work together.

The adult supervision and safety and health requirements can sometimes go hand in hand. In a recent tragic incident in Michigan involving an STC student placed at a gas station, the manager was 18, the training supervisor 17, the student 16. Lack of adult supervision and inadequate safety precautions contributed to the death of the student. We will look at this case in more detail when we explore liability issues in Chapter 3.

Lastly, the restriction on use of funds for wages relates to how the departments of Education and Labor envisioned the use of grant money; they wanted to encourage business people to invest in STC, not just accept a worker because someone else would pay.

Before you can get employers to invest, however, you must be able to allay any anxiety they may have about the legal side of matters. Employers' legal concerns will revolve around the definition of employment and child labor laws, both federal and state — particularly those regarding minimum wage and hours, and safety and health. All of these are addressed in the FLSA.

The Fair Labor Standards Act

You might want to start off your conversation with employers by informing them that there's really nothing new involved, legally speaking, in hiring students as opposed to hiring any youth. It should come as some relief to them that participation in an STC initiative carries no additional compliance obligations under the FLSA. Working with students in

STC programs is similar to working with other minors when it comes to compliance with the law. This leads to the larger questions of what exactly the FLSA is, what it is meant to do and what STC participants need to know about it. All this may at first seem rather murky territory, but it really is quite straightforward. Recognizing the potential for confusion and misunderstanding, the NSTWO put together and distributed a technical assistance guide (see resources list, Appendix 1) that explains in lay language how the FLSA relates to STC programs.

For employers, discerning when a work situation constitutes employment and when it does not is the key to unlocking many other issues, including wages, liability and workers' compensation (the last two are covered in Chapter 3).

To employ or not to employ. Looking at the STWOA and the FLSA together, educators can help employers understand the legal definition of "employment."

The FLSA — enacted to protect the rights, safety and well-being of all workers in the United States — contains the federal government's child labor provisions. The laws and regulations restricting youth employment do include various exceptions and special conditions. Some of the most common ones involve youth in "learning situations." The question arises: When is an STC activity a learning experience and when is it employment, as defined by the FLSA?

As with many legal questions, the answer is, it depends. While all work experiences under STC programs are learning experiences, not all learning experiences will be viewed as work under the FLSA.

First, the STWOA describes four elements that a learning experience must incorporate. If any one of these four elements do not exist in a particular STC program, a student may be considered an employee under the FLSA.

- It is planned. Job training and work experience appropriate to the student's abilities coordinate with a school-based learning component and lead to a skill certificate.
- It is sequenced. Activities build upon one another with increasing complexity and result in mastery of basic skills.
- It is structured. The program exposes the student to all facets of the industry and develops broad, transferable skills.
- It is real world. Students perform real or simulated tasks that develop higher-order critical thinking and problem-solving skills.

A wide range of programs fall under the STC umbrella, including internships, apprenticeships, paid and unpaid work experience, job shadowing, school-based enterprises and workplace mentoring. The dilemma lies in determining when a work experience is classified as employment.

To do so, examine the learning experience to decide whether it fits the FLSA's definition of employment. Four criteria are involved. Unless the learning experience meets *all four*, the FLSA will categorize the student as an employee who is subject to FLSA provisions.

- The student receives ongoing instruction at the employer's work site, where he or she is closely supervised throughout the experience. The employer's responsibility to train and supervise the student offsets any productive work the student performs.

The question arises: When is an STC activity a learning experience and when is it employment, as defined by the FLSA?

Activities such as career awareness and exploration, field trips to employers, job shadowing and class projects do not constitute employment and do not fall under FLSA provisions.

- The student's placement at the work site does not result in the displacement of a regular employee — whether through a layoff, failure to hire an employee the business otherwise would have or decreased working hours for current employees.
- After the learning experience the student has no rights to a job. (This does not, however, preclude employers from offering employment to students.)
- The employer, student and parent or guardian understand that the student is not entitled to wages for time spent in the learning experience. Students may accept a stipend for actual expenses.

If all four criteria are met, an employer does not have to pay wages to a student in a learning experience. If a student receives no wages, then the learning experience is not employment as defined by the FLSA and subsequently does not fall under FLSA provisions. Child labor laws would not apply either. However, the NSTWO urges STC systems to always abide by child labor laws regarding hazardous working conditions, whether or not the experience fits the definition of employment under the FLSA.

Activities such as career awareness and exploration, field trips to employers, job shadowing and class projects do not constitute employment and do not fall under FLSA provisions. For example, when students rotate through a number of hospital departments as part of the ProTech health occupations program in Boston, it is not considered employment but career exploration. However, in the same program, when a student receives a long-term placement in a particular department, it does fit the FLSA definition of employment.

Conversely, if a learning experience does not meet all four of the criteria just cited, the FLSA considers it an employment relationship. The act then applies if the employer is an enterprise engaged in interstate commerce with gross revenues over $500,000 or is a public agency. This covers most businesses since ordinary activities such as handling out-of-state mail and making or receiving out-of-state telephone calls qualify as interstate commerce.

Even if a business enterprise is not covered under the FLSA, certain employees, such as students involved in work-based learning programs, may be covered depending on the nature of their work. If a student worker is engaged in interstate commerce, he or she would be considered an employee and covered under FLSA provisions. Even such simple duties as opening the mail of or handling phone calls from companies in another state fall under the heading of interstate commerce.

The definition of "to employ" under the FLSA is "to suffer or permit to work." Case law states that an employment relationship "does not depend upon the level of performance or whether the work is of some educational and/or therapeutic benefit."

The U.S. Department of Labor's wage-hour division has published *A Federal Guide for Employing Teenagers*, in which it further clarifies the definitions of "trainee" vs. "employee." It states, "If all six of the following criteria apply, trainees are not employees within the meaning of the Act:

- The training, even though it includes actual operation of the facilities of the employers, is similar to that which would be given in a vocational school;
- The training is for the benefit of the trainees or students;

- The trainees or students do not displace regular employees, but work under their close observation;
- The employer that provides the training derives no immediate advantage from the activities of the trainees or students and on occasion his operation may actually be impeded;
- The trainees or students are not necessarily entitled to a job at the conclusion of the training period; and
- The employer and the trainees or students understand that they are not entitled to wages for the time spent in training."

This definition of "employee" relates only to the FLSA. Employment is defined differently under various laws that govern income tax, workers' compensation, occupational safety and health, unemployment insurance and other matters. STC partners also must comply with these laws.

To cover the range of possible STC activities, Tom Benton, STC specialist at the Saginaw Career Complex and for the Saginaw school district in Michigan, developed a three-page chart to which employers can refer in determining whether an activity is considered employment (see Appendix 2). It covers six major types of work-based learning opportunities — three unpaid experiences (classified "student/visitor," "volunteer" and "unpaid trainee") and three paid classifications ("student/learner," "apprentice" and "employee; minor with work permit" — and lists program examples, key components and legal and liability compliance factors for each. Although Benton developed the chart for the state of Michigan, the matrix applies generally to all states, since it is based on federal law. Two sections, however — work permits for paid employees and workers' compensation for unpaid trainees — will vary from state to state based on each state's laws and procedures.

Paid placements, in which students step in to fill a vacancy and meet an employer need, "serve as an effective workforce-development strategy" for business and industry and often result in full-time jobs for students after graduation, Benton notes. Employers violate the spirit and intention of the law, however, if they press unpaid students into service to fill a need — such as bringing teens into a florist shop to help meet the pre-Mother's Day rush — he points out.

In some fields normally closed to minors, such as health care, unpaid placements may be the only vehicles for meaningful workplace experiences for students, Benton adds.

Help is out there if you and your employer partners are uncertain about a particular work experience. If there is any question about whether a situation falls under the FLSA, it's wise to get a ruling from the regional wage-hour office (see Appendix 3). In general, follow this simple rule of thumb: If the situation involves wages or compensation, an employment relationship exists. This means student employees covered by the FLSA must earn no less than the federal minimum wage, receive no less than one and one-half times the regular rate of pay for each hour worked in excess of 40 hours in a given week and work in accordance with child labor laws.

When less is better. In some cases, schools may want to help employers reduce minimum wage requirements in order to induce them to get involved with STC. For example, the owner of an auto repair shop might be unwilling to hire a less experi-

Help is out there if you and your employer partners are uncertain about a particular work experience.

The subminimum wage certificate for full-time students allows the employer to compensate students at 85 percent of minimum wage.

enced — and therefore less productive — student worker unless he or she can be paid less than what the employer pays other workers. Regional offices of the U.S. Department of Labor's Wage-Hour Division are empowered to issue what are called subminimum wage certificates. Employers may qualify for these documents under one of three different situations, as stipulated under section 14 of the FLSA: full-time students in retail or service establishments, agriculture or secondary and postsecondary institutions; students in vocational education programs; and disabled workers, including students.

The subminimum wage certificate for full-time students allows the employer to compensate students at 85 percent of minimum wage. Effective Sept. 1, 1997, the federal minimum wage was $5.15 per hour. Many states and the District of Columbia have their own minimum wage law, however, and when a state's minimum wage is higher than the federal rate — as is the case in Alaska, Connecticut, the District of Columbia, Hawaii, Massachusetts and Vermont — the higher state figure applies. For information on the minimum wage in your state, contact the U.S. Department of Labor or visit its Web site (see resources in Appendix 1).

The certificate is simple to obtain. The employer fills out an 8½ x 11 application form that becomes the certificate until the actual document is issued and allows employers to immediately hire up to six students. Note that the subminimum wage certificate for full-time students does not cover manufacturing plants and other establishments not in the retail, service or agricultural sectors.

Employers also can pay vocational students less than the minimum wage by securing subminimum wage certificates for them as well. To obtain this certificate, the employer must first get documentation from the school certifying that the student is enrolled in a bona fide vocational educational program. In this case the employer may not bring the student onto the payroll until the actual certificate, which grants employers the right to pay student learners 75 percent of the minimum wage, is issued.

According to Bill Fern, analyst at the Department of Labor's Wage-Hour Division, "This certificate was an outgrowth of the learner's certificate [no longer issued] and came about through the efforts of the vocational education community, which was looking for ways to increase placements of students in workplaces back in the 1940s." The rationale is that if a student is in a position in which he or she is learning, or is being trained for a particular function, then the employer has a right to pay him or her less than the employer would pay a full-trained worker. For example, someone just learning how to use a certain software program would be of far less value, initially, than a worker who had either undergone the training or had the necessary experience to be immediately productive.

Fern points out that the practicality of employers attempting to pay subminimum wages depends very much on the local labor market. In some localities, where unemployment is low, or where specific job openings exceed the number of applicants, students may be unwilling to work for below minimum wage. STC partners must consider local labor conditions when approaching prospective new employers. In some instances, employers may be willing to hire stu-

dent workers only if they see some economic benefit. In such cases, educators should advise them of these certificates as an incentive to encourage them to make places for students at their work sites.

The third and last subminimum wage certificate is based on disability, and the level of compensation can vary widely. Workers with disabilities, including students, may be paid from less than a dollar up to $5 an hour based on their skill level and the work involved. The Wage-Hour Division relies on a set of regulations to classify workers and fix pay levels that are commensurate to each work situation.

It is important to remember that the STWOA clearly states that no waivers of the FLSA are permitted under the act. In other words, the fact that a student is taking part in a work-based learning program as part of an STC initiative cannot be cited as a reason for noncompliance with fair labor and standards stipulations. Simply because a student is in the workplace due to STC is no reason for the employer to pay less than the minimum wage. Exemptions to that rule must be based on the three instances just noted.

While wage exemptions are fairly commonplace, there are no exemptions to avoid compliance with child labor laws governing the employment of minors, their hours, allowed work sites and occupations.

Child Labor Laws

Say the words "child labor laws" and frightful images of the exploitation of children during the Industrial Revolution spring to mind. Today, we like to think we are living in a more enlightened society — that we no longer have reason for such concerns in the 1990s. Unfortunately, this is far from true.

More teenagers are working at an increasing variety of jobs, for longer periods of time and for more hours per week. The 1990 Census counted more than 20 million Americans between the ages of 12 and 17. At any given time, 5½ million American teens are working, estimates show. A quarter of all 15-year-olds and more than half of all 16- and 17-year-olds are participants in this nation's workforce. And that count is only the reported incidence of child labor.

In the vast underground economy and even among legitimate employers, millions of other young people who don't show up in the statistics are illegally employed — underpaid and otherwise taken advantage of because they are inexperienced and don't know their rights.

According to the Department of Labor's Bureau of Labor Statistics, nearly four of five workers ages 16 through 19 are employed in one of three fields: retail sales and services such as food establishments, administrative support, and as laborers and handlers. Given the high level of employment among our young people, we need to understand the legal restrictions that have been enacted for their protection.

On the national level, federal child labor laws are contained in the Fair Labor Standards Act of 1938 (the FLSA, previously cited), which is administered by the Wage-Hour Division and applies in every state. More than 90 percent of all nonagricultural businesses are covered by FLSA child labor laws, according to the department's estimates.

In general, child labor regulations stipulate:

- Minimum ages for general and specific types of employment.

While wage exemptions are fairly commonplace, there are no exemptions to avoid compliance with child labor laws governing the employment of minors, their hours, allowed work sites and occupations.

Most states have their own restrictions, so there are dozens of sets of child labor laws — amalgamations of federal law and the laws of the state.

- Prohibitions on working during night hours.
- Prohibitions on certain kinds of hazardous employment.
- Registration of minors in employment.
- Maximum numbers of hours that can be worked daily and weekly.

Although the term "child labor laws" is commonly used, it is misleading, because no single body of regulations exists. Most states have their own restrictions, so there are dozens of sets of child labor laws — amalgamations of federal law and the laws of the state. Where there are differences between federal and state law, the more protective provision applies. For specific state requirements, check with the states' labor/employment agencies (see Appendix 4).

State laws. State child labor laws, some dating back nearly 150 years, vary widely. Some states' laws are quite extensive and detailed, while others are simple and minimal. Some were passed in response to the FLSA and consist primarily of blanket exemptions. Some states' laws adhere closely to the federal law, making matters easier for employers. Certain states' regulations are notably stricter than federal rules, while other states' laws are more lenient. A few areas of child labor law exist only in state law — for example, restricted hours for 16- and 17-year-olds were drafted by some states because federal law was silent on the matter.

Other areas fall solely under the state's jurisdiction. Employment involving alcoholic beverages — as cashier, server, sales clerk or manufacturer — is exclusively governed by state law. Typically the worker must be 21, although some states set the minimum age at 20. Most states prohibit anyone under 18 from any role involving alcoholic beverages, although some states allow 16-year-olds to work as cashiers at grocery stores selling beer.

As noted, when there are differences between the FLSA and a state's child labor laws the stricter standard applies. Two examples:

Under Mississippi law, young people may work in mills, canneries, workshops, factories and manufacturing establishments when they reach 14. The FLSA, however, does not permit such work until 16. The more-limiting federal law supersedes the state law; with the result that the minimum age for those types of jobs in Mississippi is 16.

In Iowa, meanwhile, youth under 18 cannot work with laundry or dry-cleaning machinery. The FLSA bars such work only until the individual is 16. In this case the stricter Iowa law stands.

To help employers and educators through the maze of federal and state child labor laws, Michigan has developed a guide titled *Child Labor Requirements: Application of State and Federal Standards* that gives educators and employers in that state easily digestible information on how the two sets of laws work together. The document includes a matrix (see Appendix 5) — designed to be used in conjunction with applicable state and federal laws included in the guide — that highlights restricted occupations; whether the state or federal law has the higher and therefore applicable standard; differences for youth ages 14-15 vs. 16-17; and where deviations or exceptions are possible.

Proof needed. Certain commonalities do exist among the states' child labor laws. The FLSA requires employers to keep on file the date of

birth of every employee under age 19. An employment certificate — more commonly referred to as a work permit — is required by most states. The NSTWO strongly encourages employers to obtain such proof, because if a minor gives the employer a false date of birth, the employer unintentionally violates minimum age standards. Some experts say that the lack of a work permit is the single most frequent citation employers receive from state departments of labor.

The certificate may be either a federal certificate of age, issued by the Wage-Hour Division; or a state certificate — also called an age, employment or working certificate/permit. In most states these are issued by a state agency, often the school district. The superintendent or his or her designee issues the certificate based on proof of the student's age, the employer's statement of work to be performed and hours involved, parental consent and proof of the worker's physical fitness. Typically there is one employment certificate for part-time work and another for full-time employment during the summer.

In Vermont, Michigan and many other states, for example, STC students under 18 years of age must provide employers with a certificate of age. Employers are required to outline the student's position, hours and salary on business stationery, sign and date the document and send it to the school. The school principal, acting as the superintendent's designee, issues the certificate after obtaining proof of age from the student's birth certificate, passport or driver's license.

Age matters. The FLSA and individual state regulations lay out the primary legal constraints on the employment of minors — individuals 17 and younger. The FLSA places strict limits on the employment of minors, with specific restrictions on youths under 14, individuals who are 14 or 15, and on 16- and 17-year-olds.

For children under 14, most work defined as employment under the FLSA is prohibited. There are, however, some exceptions: Children may work at any age as actors or performers in motion pictures, theater, radio and television; for their parents if the parents are sole owners of a business in an occupation other than manufacturing, mining, hospital services or "hazardous" work as listed by the FLSA (see Exhibit 2-1 on page 16); and as newspaper sales and delivery workers. Children under 14 also may engage in work that is not covered by the FLSA — that is, work that is not considered employment, such as job shadowing.

At ages 14 and 15, youths may work in specified occupations and at one of three permitted work sites — retail, food service and gasoline service establishments — outside school hours and between 7 a.m. and 7 p.m. (extended to 9 p.m. between June 1 and Labor Day). Fourteen- and 15-year-olds cannot work more than three hours in a school day and 18 hours in a school week, nor more than eight hours on a non-school day and 40 hours during a non-school week.

At age 16, youths may be employed in any occupation or activity other than those deemed "hazardous" under the FLSA. For the first 10 occupations and activities listed in Exhibit 2-1 there are no exceptions, meaning no 16- and 17-year-olds can work in these fields. The remaining work is open to 16- and 17-year-olds provided the youth is a bona fide student learner or apprentice.

Some experts say that the lack of a work permit is the single most frequent citation employers receive from state departments of labor.

BEST COPY AVAILABLE

States vary widely in their commitment of resources and level of political will to police child labor.

Two occupations demand particular scrutiny, as they pose the greatest risks to minors, with reported high rates of injury.

- Driving a motor vehicle and helping drivers do their jobs. The prohibition does not bar young people from driving cars and small trucks (under 6,000 pounds) when such driving is "occasional and incidental" during daylight hours. This rules out all jobs that require driving for deliveries, errands and pickups and all jobs assisting in such activities, even if the young worker never takes the wheel. This prohibition makes sense, because the likelihood of automobile accidents is far higher when the vehicle is pulling in and out of parking spaces all day, in the middle of traffic. Such activities pose a real hazard to anyone in the car.
- Operating, assisting, setting up, adjusting, repairing or cleaning power-driven paper-product machines, including paper balers. Young workers may not start, stop, put materials into or remove materials from such machines. Paper balers are normally used at supermarkets and other large retailers to break down boxes. Unsurprisingly, this activity can lead to serious injury.

Individuals 18 and older may work in any occupation for any number of hours as far as the federal government is concerned. Check with your state to see if more restrictive requirements apply.

With so many regulations, how do the authorities ensure compliance? States vary widely in their commitment of resources and level of political will to police child labor. Maryland, for example, has had no enforcement officers for several years and refers all complaints to the federal offices. New York, on the other hand, employs more than 100 field investigators — some detailed to specific industries. Given the recent notoriety in the press regarding "sweatshops," it's likely that additional investigators have been assigned to the garment industry. In most states, however, investigators respond to complaints by phone or letter.

Exhibit 2-1

Hazardous Occupations

The FLSA identifies the following 17 occupations or activities as hazardous and prohibits youths under age 18 from engaging in them:

1. Manufacturing and storing explosives
2. Driving a motor vehicle and helping drivers load and deliver and otherwise do their jobs
3. Coal mining
4. Logging and working in sawmills
5. Operating power-driven woodworking machines
6. Exposure to radioactive substances
7. Operating a power-driven hoisting apparatus
8. Operating power-driven metal forming, punching and shearing machines
9. Mining other than coal mining
10. Slaughtering or meat packing, processing or rendering
11. Operating power-driven bakery machines
12. Operating power-driven paper-products machines
13. Manufacturing brick, tile and kindred products
14. Operating power-driven circular saws, band saws and guillotine shears
15. Wrecking, demolition and ship-breaking operations
16. Roofing operations
17. Excavation operations

There may be other prohibited activities, and further restrictions are in place for children under age 16 under various state laws. Consult with the local wage-hour office or study the book *Minor Laws of Major Importance* (listed in resources in Appendix 1).

BEST COPY AVAILABLE

Safety and Health

In addition to following state laws, educators and employers should take extra care to ensure that workplaces are safe for young workers. Accidents and injuries related to jobs in retail sales, food service and other areas have been soaring in the 1990s. The National Institute of Occupational Safety and Health estimates that each year more than 64,000 teenagers end up in the emergency room due to injuries suffered on the job. The accident rate for youth has been estimated at as high as 16 per 100 full-time employees, compared with the adult rate of nine per 100 full-time employees. Some 40 percent of injuries occur in the first year of work, regardless of the worker's age.

Raising sensitivity to and awareness of health and safety issues ranks high on the NSTWO's list of priorities. The office urges schools and workplaces to go beyond the legalistic objectives of compliance and to design systems that will lead to lower rates of injury for students on the job. In an advisory letter to STC partners, Director JD Hoye writes, "In the implementation of STW programs, priority should be given to safeguarding the health and safety of youth."

Citing an article published in the *American Journal of Public Health*, Hoye relates some startling statistics: Five thousand youths per month wind up in hospital emergency rooms for treatment of occupational injuries. Lacerations, particularly of the hand or finger, are the most common injury. Retail employment has the highest occupational injury rate among adolescent workers. Despite child labor laws, the average annual death rate due to occupational injury for 16- and 17-year-olds is not significantly lower than that of workers 18 and older. Sixteen- and 17-year-olds appear to be at greater risk than are adults for death from electrocution, suffocation, drowning, poisoning or natural and environmental factors (such as being struck by lightning).

Accidents and injuries related to jobs in retail sales, food service and other areas have been soaring in the 1990s.

In her letter to STC partners, Hoye advocates awareness training as part of the school-based learning component. "Students," she writes, "should be able to describe the general nature and types of work-related health problems, the risk factors associated with the most common jobs held by young workers and the concept of hazard-control strategies. Employers need to provide specific training, enabling the student to understand specific tasks or operations that pose risks; proper use of tools, devices and equipment to control risks; and procedures for responding to potential hazards and for reporting illness and injury."

The NSTWO suggests that partnerships address the following four questions as a preamble to designing a system that ensures students' safety and health:

- How will potential risks be identified? Who will be responsible and what should their qualifications or experience be?
- What information will be provided up front to students and parents? Who will determine what is "too risky?"
- Do the written agreements between schools and employers address health and safety issues and clearly define roles and responsibilities?
- When federal or state law does not apply, will you allow a student to participate in a hazardous activity that would be prohibited if the law applied?

Educators must reach out to engage parents in discussions about the types of work involved.

Oklahoma's booklet series *Implementing a Local School-to-Work Partnership* includes a module, "Legal and Labor Considerations," that focuses in part on safety and health issues. To overcome reluctance on the part of potential employer-partners due to concerns for student safety, the module offers simple guidelines for an occupational safety and health program. It contains four managerial elements, each with specific components (see Exhibit 2-2) and refers readers to further resources available from the Oklahoma Department of Vocational Technical Education.

Exhibit 2-2

Safety and Health Training

—from Oklahoma's *Implementing a Local School-to-Work Partnership*

The module lists several steps that all STC partners — employers, educators and parents — can take to protect student workers. Some of those tips follow.

Employers should:

- Know and comply with child labor laws and occupational safety and health requirements that apply to their business, and post these regulations for employees to read.
- Establish an occupational safety and health program.
- Provide training for students and routinely verify that they can recognize hazards and are competent in safe work practices.
- Evaluate equipment that students operate, ensuring that it is both legal and safe.
- Assess and eliminate the potential for injury or illness associated with tasks students perform.
- Supervise students appropriately to prevent injuries and hazardous exposures.

(Some of the preceding precautions can become the responsibility of the work-site mentor.)

Educators should:

- Talk to students about safety and health hazards, including their rights and responsibilities.
- Check to make sure that STC work sites are safe and healthful environments free of recognized hazards.
- Ensure that STC learning experiences incorporate information about employee legal rights and responsibilities, as well as training in hazard recognition and safe work practices.

Parents can join in the safety effort simply by taking an active role in the employment decisions of their children. Educators must reach out to engage parents in discussions about the types of work involved and the training and supervision provided by the employer or the school to their children.

Obviously, it will take a concerted effort to minimize accidents on the

BEST COPY AVAILABLE

job involving students. Educating students and bringing them face to face with potential dangers is critical in this process. Workplace safety and health are highlighted both in the definition of "all aspects of industry" and in the general requirements of the STWOA. In preparing young people for transition into productive careers, it is essential that workplace safety and health be integrated throughout career education and work-based learning experiences. Schools must keep a vigilant eye on the workplaces into which they send students. Employers and workers are certainly responsible for monitoring the workplace. The goal of all parties must be to ensure that students work only at safe, healthful sites.

No matter how careful employers are with respect to student safety and health, accidents are bound to happen. This opens the door to another set of legal issues — workers' compensation and liability — that we'll explore in the next chapter.

It will take a concerted effort to minimize accidents on the job involving students.

Liability and Related Legal Issues

3

General liability. Exposure to risk. Workers' compensation. Accident insurance. These terms strike fear in the hearts of businesses and educational entities contemplating work-based learning initiatives.

When employers hire student employees, they may assume additional costs, exposure to risk and liability. The same may hold true in some states even for students not classified as employees. The mere possibility of such added expenses discourages many businesses — particularly the smaller ones — from participating in STC programs. What are schools, districts and states doing to clear this hurdle?

This chapter will examine liability issues, define terms and show how school and community leaders are tackling these thorny issues and smoothing the way for increasing employer involvement.

Workers' Compensation and Unemployment Insurance

As we learned in the first chapter, workers' compensation and liability exposure are the top-rated barriers to employer involvement, both from the point of view of state STC coordinators and from employers themselves (in the one state that has conducted such a survey thus far — Wisconsin).

The possibility of claims being filed under state workers' compensation laws is of deep concern to employers who might otherwise be eager to hire students. Payment of higher payroll taxes for unemployment insurance is another block to business involvement. Additional workers mean extra costs, which directly affects businesses' bottom lines.

States from Maine to Hawaii are solving the problem in new and creative ways, oftentimes working with legislators to change the law.

Packing a Hawaiian punch. STC stakeholders in Hawaii decided to tackle the issue on a statewide basis by seeking legislative action. The business community there, as in many states, was hesitant to expand its participation in STC programs because of the perceived costs and liabilities associated with hiring student workers.

In April 1995 the state legislature passed "A Bill for an Act Relating to Vocational Education." Its purpose was to guarantee that the state would be responsible for workers' compensation coverage for any stu-

The possibility of claims being filed under state workers' compensation laws is of deep concern to employers who might otherwise be eager to hire students.

Exhibit 3-1

Defining the Terms

Workers' compensation. This is an insurance program, administered by each state, that compensates an individual for wages lost due to injury suffered while on the job and covers medical costs and the loss of functional capacity. Individuals who are engaged in a paid employer-employee relationship must be covered. All employers must carry workers' compensation, which grants benefits to an injured employee regardless of who is at fault. Workers' compensation offers a way to resolve matters without lawsuits. Students must be covered if they are, legally, "employees." Employers must notify their insurance agents when they hire a student worker, describing the type of work and wages.

General liability insurance. Liability is not accident or medical insurance. Its purpose is to protect the insured against claims of negligence. Negligence exists when a duty is owed to another and a non-intentional breach of that duty occurs, resulting in some form of physical injury and/or property damage. If students are at the work site for job shadowing, mentoring or other non-paid work they are not classified as employees and not covered under workers' compensation. In this case, an injured student may sue the employer. Some schools districts take out liability insurance to cover all their students at any work site. Educators should let employers know about their liability insurance program. If the school does not carry such a policy, it might consider purchasing one or seeing if the employer's coverage could apply.

Basic voluntary student accident insurance. This accident insurance is offered to students but generally is not required. For certain activities, such as school sports, student accident insurance may be required and not voluntary. Most traditional accident insurance programs require the student to be on the school site or under the direct supervision of a school employee for the student to be covered, unless other provisions are made within the actual policy.

Student accident catastrophic insurance. This is a means by which schools can avoid huge medical bills in case of a major injury. Most basic voluntary student accident insurance programs provide maximum benefits up to $25,000; some programs include $50,000 and $100,000 benefit maximums. Catastrophic insurance has a much higher maximum benefit, such as $1 million to $5 million, along with a substantial deductible amount that assumes the existence of a basic accident insurance policy or a process of self-insurance.

An example: How accident and catastrophic insurance work together. A student who is covered for off-site participation in work-based learning through the school's basic accident insurance policy goes into an unpaid STC activity at a workplace. He or she suffers a major injury after falling down a flight of stairs, but no gross negligence is involved. The medical and associated bills amount to $75,000. The voluntary accident policy pays the maximum benefit of $25,000 at which point the catastrophic insurance kicks in to take care of the remaining $50,000.

Had the student's STC activity been a paid work experience, a workers' compensation claim would have been filed. Had there been gross negligence, such as the staircase being in obvious need of repair, the employer might be liable under a civil suit to pay damages above and beyond medical expenses for an unpaid worker. In a paid experience, because the student is covered under workers' compensation, no remedy other than payment of medical expenses is available to the injured party.

BEST COPY AVAILABLE

dent participating in the Hawaii Department of Education's internship program and working for a private employer. The legislation stipulated that such coverage would be the student's exclusive course of action against the state and/or the private employer. While limiting the source of coverage, the bill emphatically states that the student intern is protected to the same degree as every other worker, in conformity to workers' compensation laws.

Just one year later, "A Bill for an Act Relating to Employment Security" was passed to encourage greater employer participation in STC activities by expanding the list of those excluded from the unemployment insurance payroll tax to include student interns. The bill reads, in part, "... public educational institutions, when trying to expand work-based learning opportunities, are constrained by employers' concerns about liability for students in work sites and the impact of certain labor laws relating to unemployment insurance, temporary disability, occupational safety and health, and workers' compensation. ... Employers are seeking relief from the costs of the unemployment insurance payroll tax on students taking part in work-based learning."

Hawaiian STC officials say the two laws are fulfilling their intended purpose of allaying employers' concerns and encouraging them to participate in STC programs.

The Maine advantage. In Maine, a quasi-governmental group known as the Maine Career Advantage serves as broker between schools and businesses, taking care of all STC matters from student placement to acting as the employer of record for workers' compensation and other insurance. It has been effective in overcoming various barriers to business involvement through strong, clear communication that builds understanding. As we know, educators and business people speak very different languages.

According to Kevin Healy, director of corporate public involvement for Portland-based UNUM Corp., an insurance company and STC business partner, "The center functions as a translator, as a negotiator and, on occasion, as a lobbyist and disciplinarian" with regard to STC legal matters. Having researched applicable state laws, the center has the expertise and knowledge in legal and liability issues and provides much needed support to schools and businesses.

On a practical level, it relieves the burden of liability on employers. Businesses pay a fee that covers students' stipend, tuition and insurance. With the insurance money the Maine Career Advantage purchases workers' compensation and general liability insurance that includes personal injury, fire damage and lesser medical expenses. "This has been a real plus in encouraging business participation in STC programs," says Healy.

The Hawaii and Maine examples illustrate two different approaches to the workers' compensation and liability dilemma. Although legislative initiatives obviously must be carried out at the state level, third-party brokers have been effective both as statewide and local entities.

Although legislative initiatives must be carried out at the state level, third-party brokers have been effective both as statewide and local entities.

Varying State Definitions

There is one step educators must take before assuming that either the Hawaii or Maine paths will work in their state. Greg Voorheis, chair of the NSTWO's Risk Management Workgroup and STC grant manager of the Vermont Department of

Third-party employers of record can be the school or educational organization; a private, not-for-profit group, such as a private industry council; or the state.

Employment and Training, cautions educators to look closely at how their state defines the employer-employee relationship under workers' compensation laws.

When states or localities name third-party employers of record to circumvent the workers' compensation problem for employers, they could unwittingly be adding to the employers' risk and liability. Third-party employers of record can be the school or educational organization; a private, not-for-profit group, such as a private industry council; or, as in the Hawaiian example, the state.

Voorheis, who is also chairman of Vermont's School-to-Work Management Committee, calls on his state's experience in warning about false assumptions. In Vermont, as elsewhere, the STC consortium realized it needed to relieve potential employers of the workers' compensation burden to get them to participate. Vermont is heavily rural and most employers are so small that the additional cost would have a major impact on their bottom lines. In order to provide rural students with equal access to a variety of STC programs, something had to be done. So Vermont is attempting to adopt the third-party approach and name the school as employer of record, as is the case in Oregon.

In such cases the school, rather than the host employer, pays for any workers' compensation. This lessens costs for the employers in two ways. First, they do not have to pay the per-student/worker cost; and second, they do not risk the potential of paying higher group premiums due to claims.

In effect, the school is the leasing agent to the off-site employer. In legal terms, this is known as the "borrowed servant doctrine." Vermont now includes the borrowed servant doctrine under its broad definition of employee.

Generally in a lease situation immunity does not exist. But in a recent court ruling, the Vermont Supreme Court upheld the notion that in a leased employee situation, immunity from liability suits does indeed exist in legitimate workers' compensation claims. This may not be so, however, in every state. Some states define the employer-employee relationship very broadly, allowing it to cover leased employees. Others, where a narrower definition applies, would not provide such an exemption. Thus, an employer could enter into a relationship with an educational organization believing that, since the third party is taking care of workers' compensation, there is no risk.

Imagine the unpleasant surprise that awaits an employer when a student suffers an injury on the job in a state that does not extend the definition of employer-employee to include the borrowed servant doctrine. Even if the student files a claim under the school's employer-of-record policy, he or she could still bring a costly lawsuit against the employer. And that could spell the beginning of an unhappy ending to that particular partnership. Had the employer itself simply paid the workers' compensation for the student, that business would not have been liable to such a lawsuit.

Voorheis urges STC partners, therefore, to check with their state department of labor's workers' compensation contact to see whether the definition of the employer-employee relationship is sufficiently broad in that state to cover the borrowed servant question. (For a contact list see Appendix 6.) Not doing so could inadvertently place host employers at greater risk to liability claims. Rushing into naming outside employers of

record without looking at the "fine print" can result in a false sense of security.

"What seems like a good short-term gain could result in horrific long-term results," Voorheis sums up.

What About the Unpaid Student Worker?

Thus far we've been looking at the paid student worker. By law, workers' compensation must be in place for every paid worker. Where does this leave the legions of unpaid student workers who enter the work site and undergo the same risks? Some schools may take on additional insurance as a means of minimizing the exposure to risk for the employers they want to recruit into the STC system. In some states, STC partners are looking at extending workers' compensation coverage to unpaid student workers.

New Jersey is exploring the latter. Paul Kalida, state STC coordinator, convened a panel of insurance company representatives, workers' compensation experts, child labor law specialists, educators, organized labor officials and employers to brainstorm ways to get more employers to participate in STC. Since the long-range plan is to give every student some type of work-based learning, recruiting more employer-partners is key.

Amending the state workers' compensation law to include unpaid students under a school's workers' compensation policy is one option. This has been done in South Carolina, Washington and Iowa. It is a way to ensure that all student workers, paid or unpaid, are covered. Currently, it is up to the parents or the school to see to it that their existing insurance covers students at the work site. Extending workers' compensation to this group places students in a ready-made, established system.

In states that use the leased employee option, or that wish to cover unpaid workers, leaders must further consider whether it is more cost-effective to pay workers' compensation premiums (if this is an option) or accident insurance premiums. In some farm occupations, where risks are high, insurance premium costs can be significant — around $12 per student — whereas for clerical workers the expense may be as little as $2 or $3 per student. Thus, the school may parcel out its liability coverage on the basis of cost — extending workers' compensation for students in higher-risk jobs and taking out accident insurance for students in lower-risk work-based activities.

Navigating the Liability Maze

There are other strategies for helping employers in the liability arena besides taking the burdens of workers' compensation and accident insurance coverage off their shoulders. It is important that educators show prospective partners they understand their concerns about liability — that everyone is on the same side.

Schools can help employers by informing them of their right to use various "liability shields" with which they might not be familiar. Such shields offer easy and practical ways to minimize the threat of lawsuits.

Waivers are not a viable shield. Waivers relating to labor laws are explicitly disallowed by the STWOA. There are other options, however, that can make the burden on business easier to bear. In the Michigan publication *A Guide to Work-Based Learning* acceptable shields are described.

Permission slips tell guardians the nature, location and details of an

Schools can help employers by informing them of their right to use various "liability shields" with which they might not be familiar.

Both permission slips and consent forms serve as protections in the sense that an informed parent who has signed such a document is less likely to file suit.

activity, such as a field trip or job shadowing.

Consent forms let the participant and parents or guardians know the risks involved. Their signatures indicate that they understand the risks and agree not to bring a lawsuit resulting from risks identified in the document. Although generally upheld by the courts, consent forms do not relieve a company from responsibility for negligence.

Both permission slips and consent forms serve as protections in the sense that an informed parent who has signed such a document is less likely to file suit.

Indemnification agreements shift the financial burden for injuries and damages from the business to another organization, which must have both an insurance policy and funds sufficient to honor the agreement. Such organizations are likely to be third-party employers of record — sometimes the school or the state.

In New England, *Vermont's School-to-Work Risk Management Guide* provides two handy tools to help educators and employers understand and handle risks involved in the whole spectrum of STC activities: a risk-potential summary and a chart of recommended insurance options (see Exhibit 3-2).

Liability linked to students traveling to and from work-based learning is normally cut and dried. If a stu-

Exhibit 3-2

Risk-Potential Summary

	LEVEL OF RISK		
Category	**Student/Parent**	**School**	**Employer**
Field Trip Activities	School Determined	School Determined	School Determined
Non-paid Activities	Medium-High	Medium-High	Medium-High
Paid Activities	Medium	High	High

Recommended Insurance Options

	SCHOOL			EMPLOYER	
Category	**Liability**	**Basic Student Acc**	**Catastrophic Student Acc**	**Liability**	**Workers' Comp**
Field Trip Activities	Verify	School Determined	School Determined	Verify	Not appropriate
Non-paid Activities	Verify	Recommended	Recommended	Verify	Not appropriate
Paid Activities	Verify	Not appropriate	Not appropriate	Verify	Required

—from ***Vermont's School-to-Work Risk Management Guide***

BEST COPY AVAILABLE

dent gets into an accident commuting to work, the party providing the transportation is generally liable. So, if the student is driving the parents' car, the parents' automobile insurance would cover damages. If the student is being transported by the company van, the company would be responsible. If the school bus is taking the student to and from work, the school's normal school bus coverage applies. The municipality would be responsible, meanwhile, if the student is taking public transportation.

Who's Responsible?

Let's assume the worst has happened. A student has been injured. If he or she is not covered under workers' compensation, liability issues become sticky.

In a real-life case from Ohio, a student worker who was driving a forklift — probably an illegal action itself under hazardous occupations guidelines — parked it on a hill and neglected to pull the emergency brake hard enough. The forklift then plowed into another employee's parked car. Who was liable? The student (parents), the employer or the school? It's an important question that still is awaiting a definitive answer in the court system.

In Detroit, a 16-year-old student being supervised by a 17-year-old manager in training was engulfed in flames while on a work assignment at a quick-oil-change shop. The supervisor flicked his cigarette lighter so he could see to check the level in the tank, not realizing that someone had dumped a mixture of oil and gasoline into the tank. The resulting explosion hurled the supervisor toward the stairs and safety. But the student worker, who was sweeping in the area, was trapped.

After this incident the Michigan Department of Labor found three serious safety violations — using an open flame to check the oil tank, failing to give workers proper safety training and failing to provide the proper safety gear — and fined the shop $1,500. Since the matter is under litigation, none of the parties would comment, but the lawyers for the student's family are claiming that the school violated the contract with the shop stipulating that the school would:

- Make sure all federal, state and local laws and regulations were followed.
- Visit the shop at least once every 20 days.
- Ensure that the student had an adult supervisor at all times.

No statutes exist governing these cases in Ohio and Michigan. More such accidents are bound to occur with the arrival of more and more students on site. Gray areas abound and there have been too few tests of the laws. Each instance must be looked at individually, and court opinions will vary given circumstances and state laws. But all partners share responsibility. Schools must ascertain that sites are safe, supervised and not engaged in hazardous activities. In a case like the Michigan one, the placement coordinator should have visited the oil-change shop before assigning the student to such a workplace to determine the level of safety training and compliance with hazardous occupation orders.

As the STC movement continues and more cases go to court, precedents will be set and case law will be established that will help schools and employers discern how the courts are interpreting the law in specific instances.

All partners share responsibility. Schools must ascertain that sites are safe, supervised and not engaged in hazardous activities.

Structuring the student's work experience to avoid hazards while maintaining the integrity of learning objectives is a precautionary strategy that works.

An Ounce of Prevention

In this chapter we've looked primarily at after-the-fact issues involving insurance and risk exposure to businesses when students are injured. But most STC participants see prevention as the real key.

No figures exist that track the number of injuries to student workers. The Risk Management Workgroup finds "no evidence that suggests the presence of students in the workplace has any measurable negative impact on workers' compensation rates."

Some states are determined to make sure it stays that way. The Oklahoma model is a compelling example. In that state STC coordinators require employers to undergo a specially designed safety and health training program administered by the STC partnership. The easy-to-follow plan shows firms how to set up their own occupational safety and health program.

Nathan Powell, STC state liaison for the Oklahoma Department of Vocational and Technical Education and an author of the program's training guide, *Occupational Safety and Health*, believes the plan is largely responsible for the state's low student accident rate. It is based on safety and health training developed by the Voluntary Protection Plans Association, an organization of companies for which Occupational Safety and Health Administration (OSHA) inspection requirements have been waived due to the businesses' proven record of reducing injuries through safety and health programs. The Oklahoma program provides an incentive for employers to get involved with STC by showing them ways they can reduce the chances of student injury — and thus employers' liability threat.

"Our experience," Powell says, "is that once we sit down and explain to employers the proven impact of the safety program and its part in a comprehensive program to reduce liability and manage risk, they are much more willing to participate."

The Oklahoma training guide covers work-site analysis, including identification of hazards, a hazard reporting system and an accident investigation and injury/illness analysis; hazard prevention and control, including emergency planning and preparation and a medical program; and the safety and health training program. The workbook is replete with forms designed to make workplace safety and health manageable and accountable.

Keith Lessner, vice president of the safety and environmental department at the Alliance of American Insurers and a member of the Risk Management Workgroup, stresses that a good safety record is a strong advertisement for STC programs. If students go through their work-based learning without accidents, this track record will, over time, convince other employers that risks are more perceived than real. And the surest way to achieve such success, Lessner adds, is through a strong, proactive and comprehensive safety and health training program.

STC partners also can look at job design to help achieve a higher degree of workplace safety. Structuring the student's work experience to avoid hazards while maintaining the integrity of learning objectives is a precautionary strategy that works.

The Maine Career Advantage takes meticulous care to ensure that jobs are appropriate for students and in line with federal and state regulations. It runs a job analysis on each student slot to determine the suit-

ability of various work sites and duties. In 1992 it identified a few questionable pilot sites in certain manufacturing facilities. Rather than simply pulling students out of those workplaces, the center helped redesign job roles with student safety and health firmly in mind. At one site, for example, students — rather than operating heavy machinery that poses safety hazards — now gain their work-based learning experience in a "tool crib" where they are familiarized with the uses of various tools, parts, materials and supplies.

The Maine center's job analysis also sheds light on what jobs are truly hazardous. In some cases hazards are identified that prohibit student involvement. In other instances parts of the job are safe, so the work-based learning experience centers on those aspects. And in cases where the center determines the job does not pose a hazard to young people, it applies to the proper governmental authorities for a waiver of hazardous occupations prohibitions.

Confidentiality and Bonding

When students enter a workplace, employers may become concerned about breaches in confidentiality. This is particularly true of businesses that depend on information for their competitive edge. When the students' learning experiences on the job give them access to sensitive or proprietary information about the company, employers naturally have cause for concern.

Some companies, such as UNUM, avoid placing students in areas where confidentiality could be an issue. Terry Leja, manager of STC for Charles Schwab, is happy to report that the financial services company has never had a problem with STC students and confidentiality. Officials at Autodesk, a software developer deeply concerned about confidentiality because of competition issues, also report zero problems though the company has hosted more than 140 STC students.

"We talk about the importance of confidentiality when we orient a new STC associate or part-time student worker," Leja says. "We point out that, if they were customers, they would not want their records or information shared with anyone." The temptation to talk may be great when a famous name is involved, she concedes, but, "No matter how famous the customer is, the student needs to maintain confidentiality." During orientation, trainers talk to students about the legal implications of breaking the contract between Schwab and its customers.

"They have not disappointed us," Leja states emphatically of the student workers at Schwab. She believes the spotless track record on confidentiality issues is due to the approach taken at the orientation. "We explain the concern and reasons, vs. just saying, 'Don't say anything about anybody to anybody.' And rather than just telling them the rule, we give them the context of the rule," Leja says.

Bonding looms as another source of potential problems, particularly in the finance industry. Bank employees must be bondable. In some cases a student's ability to work with a particular employer may be impeded by the fact that he or she cannot be bonded. If the student has a criminal record, especially involving property, he or she may not be bondable. This becomes an important liability issue for banks. Schools can help by prescreening the students they wish to place in such work environments.

Leja advises schools to start talking to young people early on about

If the student has a criminal record, especially involving property, he or she may not be bondable. This becomes an important liability issue for banks.

Some behaviors that may be acceptable on a high school campus are totally out of line — even illegal — in the workplace.

the long-range ramifications of criminal activity. "Talk to students in seventh grade — not 12th, when it's too late," she urges.

Harassment

Some behaviors that may be acceptable on a high school campus are totally out of line — even illegal — in the workplace. Language is just one example of the differences between high school and corporate culture. "Four-letter words, for instance, are not acceptable," Leja says, "and can be viewed as creating a harassing environment, which violates company policy as well as federal and state laws." The company, not the student, would be held liable for any such harassment, so businesses must take all necessary precautions against such behavior.

Charles Schwab holds orientations for its student workers, making them aware of equal employment opportunity and harassment issues, and addressing appropriate vs. inappropriate language. Seemingly innocuous comments on race and religion also may be construed as harassment.. "This comes as a news flash to students," says Leja, who also serves on the management committee of the National Educational Leaders Council. Again, she recommends that schools explore workplace behaviors with students early in their education.

When students entered the Boca Raton, Fla., offices of Siemens Telecom Networks, they presumably viewed the experience as a valuable learning opportunity. Unfortunately, a few students also saw Siemens as a good place to get dates.

High school seniors were placed in a rotation program that allowed them to work for several weeks in nearly every Siemens department. It was not long, however, before a number of complaints began to surface. Female employees were reporting unwelcome, unwanted and repeated dating invitations from male students. "If you ask once, it's all right, but if you ask twice, you could be outside the law," says Gary Garman, training and development manager at Siemens Telecom.

"You can't keep asking people out on dates without running the risk of it being considered harassment," Garman stresses — adding that "normal" student behaviors and off-color statements were deemed "too flirtatious" in the work setting. For example, he says, teens should not have been telling female employees things like, "Boy, you really look good today!"

To address the problem, Garman put together a student training session that outlined acceptable and unacceptable behaviors. Even with the training, it took students some time to "get it," he says. The young woman who ran the sensitivity training session was still asked out repeatedly by one male student, for instance. But the training has really paid off over time, Garman reports — to the point where harassment complaints about students have been virtually eliminated.

The Payoff

Whatever the potential stumbling block — whether it be costs and liability involved in ensuring student health and safety, complying with child labor laws or protecting workers' civil rights — schools must be aware of and respond appropriately to all the legal concerns of business. Their dedication will be repaid in their improved ability to recruit and retain these valuable partners in STC systems.

Shoulder to Shoulder with Labor Partners

4

Although there are many groups that may be included in local STC partnerships, there are five groups that absolutely must be involved, and employee groups are one of them.

Toeing the line on legal requirements is crucial in setting up successful work-based learning experiences for students. But that's not all there is to it. If workers — unionized or not — aren't fully on board, they can effectively sink all your good intentions.

Workers have understandable concerns about work-based learning for high school students. Many labor unions have established routes to job entry through registered apprenticeships, and all of them have carefully crafted contracts with management concerning wages and working conditions. They will want to be a full partner in any arrangement that involves bringing in new "workers," regardless of their age.

Schools must address workers' concerns in a nondivisive way for an STC system to be effective. School leaders must adopt a new mindset that recognizes labor issues as the broad concerns of all employees rather than the narrow interests of unions. All workers face the same issues, regardless of whether they are unionized. By working with labor to protect workers' rights, school leaders also will be safeguarding the rights of students who are soon to enter the workforce.

Organized labor has long been on record as a supporter of work-based training programs for youth. The AFL-CIO applauded enactment of the STWOA and pledges its commitment to mobilizing organized labor's resources in support of STC initiatives at the state and local levels.

The Mandate and the Need

Although there are many groups that may be included in local STC partnerships, there are five groups that absolutely must be involved, and employee groups are one of them. According to Section 4(11) of the STWOA, local STC partnerships must include employers, local education agencies (such as public boards of education), postsecondary institutions, local educators (teachers, administrators and counselors), and labor organizations or (in non-union workplaces) nonmanagerial employee representatives. The act stresses that employers and employees are equal partners with education in the full range of local implementation activities.

In Atlantic City, N.J., Local 54 of the Hotel Employees and Restaurant Employees International Union

In unionized workplaces you must receive written approval from the labor organizations covering the work to be performed by students before they begin their work-based learning experiences.

(H.E.R.E.) got on board STC "because of the very language of the law, stipulating that labor had to be involved," says Robert Morrish, United Auto Workers (UAW) joint activities representative and union representative for Local 659. The requirement that everybody, including the union, be at the table as full partner was the convincing factor. "It showed us that this would not just be a partnership in name only ... that it would be a true partnership," Morrish says. The union began working with local high schools and vocational-technical schools as soon as President Clinton signed the STWOA in 1994.

The STWOA requires far greater involvement than has ever existed between school and workplace partners — both employers and labor. While employers typically make the initial commitment to support the work-based learning program, there also are countless examples throughout the country in which the union took the initiative. In any case, it falls on the workers to mentor, teach and guide students through the experience. The success of the program, therefore, depends largely on front-line workers' commitment to it. In unionized workplaces you must receive written approval from the labor organizations covering the work to be performed by students before they begin their work-based learning experiences. Not doing so and going in the back door can lead to trouble.

Randy Loomans, labor liaison for STC for the Washington State Labor Council, AFL-CIO, recounts an incident in which a student was placed in a maintenance job without the union's written approval. "Workers were immediately on guard," she recalls, "saying, 'Wait a minute! Why were we not involved?'" Through no fault of the student's, he was not accepted as well as others who'd been introduced through the normal inclusive process.

"You have to remember that it's the front-line workers who are going to have to work with the kids, and who can make the work-based experience work," she stresses.

So, securing employer partners alone is not enough. Union and non-managerial employee representatives must be thoroughly engaged from the beginning in the design and administration of work-based learning programs. To secure their active involvement and support, schools must demonstrate an honest and open commitment to recognizing the rights, concerns, resources and possibilities that employee groups bring to the table.

Labor's Advantages and Resources

Unions and employee associations occupy a singular position and possess particular advantages that schools need. Transforming a workplace into a learning environment requires the expertise and dedication of the workers. Without that, schools and students will find it difficult to realize the full potential of STC programs. With workers' active assistance, however, schools can better meet the goal of providing work-based learning to all students. This requires a substantive investment and leadership by labor as well as a close partnership with the schools.

Organized labor brings many strong suits to STC programs. The NSTWO lists several:

- By virtue of their long history of collaboration with employers in developing apprenticeship programs, they have considerable insight when it comes to linking classroom-based learning with on-the-job training. This experience

can be invaluable in building STC systems that include applied curriculum and skill standards.

- Front-line employees are positioned to perform a key role in ensuring that the workplace serves as a learning place for students. Employees also can help develop and lead training programs — not only on job skills but also on such critical issues as workplace health and safety. Involving these workers is an ideal way to ensure effective shadowing, mentoring and other activities that are the foundation of successful STC programs.
- With a direct line to employers, labor union members from a wide variety of occupational areas can play vital roles in getting employers involved in STC efforts. Unions can certainly help recruit employers with whom they have collective bargaining agreements.
- Unions in many instances have led efforts to secure safe and healthy workplaces and are uniquely qualified to impart this real-world learning to students, both in the classroom and at the work site.
- Union workers can help schools build relevant curricula by virtue of their understanding and knowledge of workplace dynamics and workers' rights.
- Unions' experience in serving young people of diverse ethnic and economic backgrounds can enhance schools' ability to serve all youth through STC programs. Union efforts also can help bring female students into nontraditional occupations, draw minority students and extend opportunities to students with disabilities. One example of this is the Manufacturing Technology Partnership at General Motors' Flint Metal Center in Michigan, which specifically targets minorities and women to increase the pool of such workers. Some 40 percent of the participants in this skilled trades apprenticeships program are females who perform such nontraditional work as welding and hand-tooling. The partnership visited every local inner-city school to gain the attention and interest of minority students.
- Unions can help schools target occupations with strong employment potential through their knowledge of local and national hiring trends.

As voices of and advocates for workers, union representatives on STC teams can make a special contribution by ensuring that STC systems comply with all relevant provisions of the FLSA and state labor laws. They also can make sure all parties adhere to the worker protection provisions of the STWOA.

With a direct line to employers, labor union members from a wide variety of occupational areas can play vital roles in getting employers involved in STC efforts.

Capitalizing on the Union Connection

Schools that do not involve organized labor and front-line workers in their STC efforts are missing a tremendous opportunity to provide comprehensive and effective services to their students. The NSTWO describes a number of strategies schools can employ, in cooperation with unions, to develop better STC systems.

Building local partnerships. There's no better catalyst for building your STC program. It's critical to involve organized labor and front-line workers from the start, rather than getting them to sign on after the framework has been built. Many schools have reached out to unions early in the process, taking advantage of their proximity to employers.

Collaboration between teachers and workers can result in dynamic curricula that intertwine real-world applications and classroom instruction.

Identifying growing occupations. STC systems must focus on occupational areas that hold promise for young people entering the job market. Organized labor can help pinpoint these occupations for the schools in their localities. Because they are in the field, workers can identify areas of growth and can direct schools toward those with the most potential.

Enhancing the quality of work-based learning. The quality of the work-based learning experience rests heavily on the quality of the workplace. In high-quality environments, front-line workers get a say in developing roles and responsibilities. Because these workers understand which tasks provide the best learning experiences, they can help identify appropriate jobs for student learners. In addition, labor representatives can help ward off situations in which students might be used as cheap labor and denied a valuable learning experience. This strategy also brings labor and management closer together as they develop appropriate programs for students.

Linking academic and occupational learning. Look to organized labor as a rich source of knowledge in this area; they can tell educators exactly which academic skills are most needed for any particular job or career. Collaboration between teachers and workers can result in dynamic curricula that intertwine real-world applications and classroom instruction. Through these efforts, students will see the tangible connections between their schoolwork and their chosen careers. Teachers, meanwhile, can acquire real-world examples for their classroom and stay current with various skill requirements.

A good example of how one industry achieved this link is the Construction Industry Youth Program in southern California, which partners a high school with local building trades unions. A group of apprenticeship coordinators wanted to stem the tide of students leaving schools without skills they would need to obtain good jobs. The coordinators approached a Riverside high school to form a partnership and establish an academy within the school. A team of teachers works diligently to make instruction more relevant to the workplace by using real-world construction applications in their classrooms, and union members make presentations on construction and union-related topics. The result is a quality source of future recruits for building trades apprenticeship programs and better career preparation for students.

Developing skill standards and credential techniques. At the national level, labor unions serve on skill standards development boards and councils. By sharing their insight and knowledge similarly at the local and regional levels, unions can help schools set higher academic standards. Labor representatives also can help management identify workplace standards students must meet. These standards can lead to creation of a credentialing process or skill certification.

Developing assessment mechanisms. Every STC system needs constant reassessment and restructuring to keep pace with rapid changes in the workforce and the economy. Such assessments should include both workplace and academic settings. Labor unions' experience and job training can be beneficial in developing assessment measures for work-based learning programs.

Facilitating mentorships. The role of a mentor in a student's learning can be invaluable. Workers can be pulled into such programs to help achieve

the STC goal of providing all students with learning that connects school and work. Union workers can bring this relationship alive through their own experience. Labor unions can recruit workplace mentors in large numbers. Learning from these experts, students can incorporate appropriate job behaviors, identify career paths and consider lifelong goals.

Let's take a look at the Job Skills Partnership Program in California. It gives students opportunities to work side by side with mentors from the utilities industry. Students work directly with front-line workers at six sites. Participants include Southern California Edison, the Utility Workers of America and the International Brotherhood of Electrical Workers. These organizations are involved in selecting and training work-site mentors, designing orientation programs and evaluating and assessing students.

Students rotate to a new mentor every six weeks to get exposed to all aspects of the power plant — including maintenance, operations, administration, warehousing and technical work. At the beginning of each rotation students pair up with a mentor who helps them identify their individual responsibilities and goals. Mentors also bring students to crew, safety and union meetings to enhance their understanding of issues and relationships. The result for students is a well-rounded vision of work and its relationship to learning. This leaves youth better prepared for careers not only in the utilities industry but in other occupations.

Emphasizing occupational health and safety standards. STC experiences often give students their first glimpse of potential dangers in the workplace; machinery, equipment and hazardous chemicals pose real threats. Students also become aware of the importance of clean air and safe conditions at the work site. Front-line workers, who deal with such concerns daily, are best able to guide youth in the correct procedures and practices to minimize health concerns and work safely. In addition, labor representatives can educate students as to their safety rights and responsibilities.

In short, unions offer a unique type of access to the world of work. They are important stakeholders that can give students entry into many workplaces because of their established collective bargaining relationship with employers. Through their experience with employers and the clout they carry, unions can become powerful advocates for STC initiatives.

Under the STWOA, a labor organization representative or a (non-union) nonmanagerial employee representative must be included at the inception of an STC system, participating actively as equal partner.

Linking with Unions

How, then, can schools get labor involved and work with unions more effectively to harness the invaluable resources and assets they can bring to STC systems? As we know, under the STWOA, a labor organization representative or a (non-union) nonmanagerial employee representative must be included at the inception of an STC system, participating actively as equal partner.

If you are working with a unionized workplace and have not yet included this vital component in your planning, you should contact the central labor council in your area to request the appointment of a labor representative to the STC team. Schools that are uncertain how to proceed can contact their state AFL-CIO office (see Appendix 7).

It is critical to go through the labor union's leadership to secure a labor representative on the STC team.

Be prepared to accommodate union needs and listen to what the union wants from the relationship, especially in the development stage.

Simply having the employer hand-pick the labor representative may not result in true representation of, or accountability to, this key group. STC partnerships also should strive to include unions (including teachers' unions — see Exhibit 4-1) that represent various industries in both the public and private sectors. Ideally, union representatives should come from diverse sizes and types of work sites as well.

Jerome Page of H.E.R.E. advises schools, "You have to reach out to the unions. Search and investigate what unions exist in your area."

Be prepared to accommodate union needs and listen to what the union wants from the relationship, especially in the development stage. In Atlantic City, H.E.R.E. insisted that unions be part of the new curriculum. In fact, it held off signing the letters of support the district needed to apply for the grant until the schools agreed. This has had the effect of helping build quality into the STC program. As part of the curriculum, union representatives go to the school each year for about an hour to provide an orientation to students. They not only educate students on the role of the union, but they give important information to prepare them for their work-based learning experience, covering language and terminology, what the work site looks like and what to expect. The union also sets up a visitation prior to the students' arrival on the job.

Be sensitive to political issues. In the Atlantic City case, H.E.R.E. had been around a long time and part of its history was rather unsavory, Page concedes. "Several years ago, we had gotten a black eye from some Mob-related issues," he says. "A judge brought in a trustee to oversee the operation and, as a result, a whole group of leaders was removed. Since then we have had to work hard to convince employers to trust us again." H.E.R.E. needed the schools to stand behind the union and show their support. This they did. "Just [their] being with us at the table gave a clear signal to employers that we would be a trustworthy and valuable partner," Page says.

Workers need educators' support throughout the STC process, too. The AFL-CIO recommends that employers demonstrate their commitment to

Exhibit 4-1

Involving Teachers

Not only is involving teachers (and, by extension, their unions) a legal requirement of the STWOA, it just makes good sense. Teachers are the most direct link to young people and must play a central role in any systemic reform such as STC.

Paul Cole, secretary-treasurer of the New York state AFL-CIO and a vice president of the American Federation of Teachers, has said, "Past experience indicates that education reform efforts will have limited and disappointing results unless staff responsible for delivering education to students are included in the planning as well as the implementation. There are no better resources for planning the kinds of programs called for in the School-to-Work Opportunities Act than teachers."

As is the case with other unions, teacher union representatives should be designated by the unions themselves, not by the central office staff of a school district or a school principal. They, too, must be accountable to their union.

Most teachers belong to either the National Education Association or the American Federation of Teachers, which together represent some 3 million educators in more than 15,000 local union chapters. Local chapters are active in many school districts. STC partnerships must secure their participation as full partners to build and sustain a successful system for integrating academic and work-based learning.

BEST COPY AVAILABLE

the STC system by giving labor representatives paid time off to participate in meetings, classroom activities and shadowing and mentoring. Schools can use their influence to make sure employers understand the need for union workers to take part in these activities as part of their regular duties.

In Atlantic City, the schools made a winning bet with this partnership. Some 95 percent of the STC students become regular employees after they graduate. The active involvement of union mentors and the union-led orientation for participating students are key to the program's success.

Aside from orientations, unions have important input to make in the curriculum, both school- and work-based, since the two must be connected. Morrish helped author the union initiative for an STC program at General Motors' Flint Metal Center. He, along with educators brought in from the district, developed a curriculum linking what would be taught in the classroom to specific workplace needs. Morrish recounts the situation that led up to the STC partnership: "Back in 1991, we [the union] studied attrition rates and projected out what might happen in a case study. Already, our pool of qualified workers for the skilled trades was becoming depleted. We needed more qualified candidates."

There was a disconnect, Morrish says, "between the skill level of high school graduates in the area and the entry-level industry standards required for that first job in the plant." Nationwide, management has set standards, and there is a test that applicants must pass in order to gain an entry-level job in the skilled trades. At the time, too few graduates were able to pass this test.

After taking the case study to management and getting the go-ahead, the union tackled the issue of how to replenish the pool. Working through the plant's vocational training center and two community college partners, they decided they needed a pilot high school. Beecher High School was selected. Five teachers from the school plus faculty from the community colleges worked with the union representative to forge a new curriculum.

Morrish and the union worked diligently with schools to help them communicate with students and parents, but admits, "It took a lot to get the idea across that it's OK to work in a factory or a plant and to do what your parents do." He urges schools to address both students and parents to ensure that old attitudes don't stand in the way of program success.

Now in its fifth year, the previously mentioned Manufacturing Technol-

Schools can use their influence to make sure employers understand the need for union workers to take part in STC meetings, classroom activities, shadowing and mentoring as part of their regular duties.

Exhibit 4-2

What Unions Gain

Schools may wonder why developing a highly skilled workforce is so important to labor — and it may help schools to understand labor's viewpoint. Aside from bestowing the wherewithal to perform up to expectations and meet management's goals and quotas, there are other, more self-serving interests, UAW joint activities representative Robert Morrish readily admits.

"It's a bargaining chip," he says. "Each year, when it comes time for negotiations, we inevitably ask for higher wages. Our arguments are based on being a highly productive, high-skill labor force. If our workers are barely able to pass the tests, we have a hard time convincing management that we deserve more money."

In this sense, the strategy of working with schools and developing an effective STC system has furthered the mutual aims of employers and employees. Employers maintain a high-quality product for their market through a well-paid, well-trained workforce.

BEST COPY AVAILABLE

If schools know and take into account the workers' perspective and realize what motivates their actions, they will be better equipped to work effectively with their employee partners.

ogy Partnership (MTP) is well on the way to achieving its goal of preparing young people for skilled trades apprenticeships at General Motors' Flint Metal Center or other good-paying jobs. Since its inception, MTP has grown to include more than 20 other area manufacturers that provide work-based learning opportunities. The program has expanded well past the pilot stage and welcomes juniors and seniors in 21 of the 22 school districts in the Flint area.

As a result of the Flint partnership, 97 percent of students taking the entry-level test to gain an apprenticeship or job in the skilled trades scored above the 72.5 percent average passing grade. This compares extremely favorably with the national statistic of only 8 to 9 percent scoring above 72.

Morrish advises schools to "respect the position and opinions of the union. Have them at the table — early on. Without union cooperation, the STC partnership absolutely cannot work." That respect requires schools to understand the position of labor. If schools know and take into account the workers' perspective and realize what motivates their actions, they will be better equipped to work effectively with their employee partners.

Labor's Concerns about School-to-Careers

To understand the incumbent workers' views, place yourself in their shoes for a moment. Plant closings, restructuring and other actions have descended on your company. Now a student worker comes into your plant or office. You may not be secure about your own job, yet you are asked to mentor this younger individual or allow him or her to shadow you on the job. You know this student earns less than you. It would be difficult not to feel a bit threatened in this situation.

At the Flint plant, workers were immediately suspicious when 50 shiny-faced young people showed up at their work site. "It was tough for them," says Morrish. "They had to share locker rooms and lunch facilities, and they were very territorial. They asked, 'Who are these students and why are they here, doing our work?'"

Morrish advises other districts and unions to give the program a year to work out the kinks. During that period in Flint, through constant communication union workers realized that their jobs were not at risk, and came to gradually accept the students. Now, when students have to be out of the workplace for a few days, says Morrish, workers are likely to ask, "Where are the kids?"

He adds, "The position of organized labor is to protect the security of its members and to take care of seniority folks first." There are normally clauses in their management contracts that provide a certain amount of job security for the incumbent workforce. "We have to be careful not to give the student workers any kind of priority," Morrish stresses.

Another gripe that workers expressed initially related to concern for their own children. "Why these kids, why not mine?" some asked. Interestingly enough, this objection helped spur action to get more schools and districts involved in the STC partnership. Parents (plant employees) approached their school boards to ask why their children were not able to take part. As more schools and districts got on board the program, and the sons and daughters of incumbent workers began to come to the plant, this complaint vanished.

Putting students to work on projects that served the needs of workers was one strategy Morrish employed. Students were assigned to build a pushcart, a responsibility that had somehow fallen between the cracks at the plant. Working toward a common goal gave rise to a natural rapport between students and workers. By working side by side with the regular workers to design a pushcart that would serve all workers' needs, the students were able to prove their worth and utility, and workers began to not only accept them, but to see the value of having the students at their work site.

Especially because the massive layoffs of the early 1990s have left U.S. workers feeling less secure about their jobs, it's important to ensure that regular employees do not feel threatened with displacement or replacement by STC programs. Bringing employees to the table helps assure them that their rights will be safeguarded. Displacement and replacement are sensitive issues that are often subject to individual interpretation. There are some clear-cut situations, however, in which students should not be employed. They may seem obvious but they bear repeating. If workers are out on strike, student employees should not be sent to the site. Likewise, if workers are on layoff with the right to be recalled, it would be inappropriate to allow students to work at the plant or business where the layoffs are in force.

Procedures for handling Family and Medical Leave Act and other temporary absences are normally spelled out in the union agreement. Employers have the right to hire temporary and seasonal workers and labor unions do not typically have a voice in those hiring decisions.

On the other hand, many situations fall into a gray area. Take the example of a growing company that is using paid student interns. Is this practice lessening the company's need for additional regular employees? What if opportunities to earn overtime pay — upon which some workers depend — is cut back due to the students' presence? This is particularly problematic when a work site uses more than one student at a time. If either of these red flags appear, schools should respond by redefining students' work experience — in concert with labor union and employee association representatives — to guard against replacement.

Labor's justifiable concern is that some employers may see STC programs as a source of free or very low-cost labor that can replace regular employees. Schools can allay this fear by strengthening the educational component and providing variation in students' experiences — limiting the possibility that a succession of student placements will serve as a revolving door for what is normally a regular, permanent position. Schools must honestly scrutinize employers to weed out the few who may be circumventing the law for their own benefit.

The bottom line for unions is that students' work experience must not adversely affect any of the agreements in the union contract — especially not working conditions and wages and hours.

It's important to ensure that regular employees do not feel threatened with displacement or replacement by STC programs.

Unionized vs. Non-Unionized Work Sites

Of course, not every workplace is unionized. Most small businesses aren't. Working with a non-union work site presents challenges significantly different from those that arise in a union shop.

The best way to help enforce compliance with labor laws in a non-unionized workplace is to draft a checklist, working with the employee representative, that covers STWOA and FLSA provisions.

Student workers who enter a union work site automatically benefit from the same safety and health guarantees as regular employees under the protective umbrella of the union agreement. This experience in itself will provide valuable insights for students and a good preparation for those who ultimately become part of a unionized industry.

In non-union work settings, school leaders are responsible for including nonmanagerial representatives from the workforce in the local partnership and at individual work sites. School recruiters and placement coordinators must follow through by ensuring that when additional work sites are added to co-op or job-training programs, nonmanagerial representatives are included. Without employees' support and willingness to take students under their wing, activities such as job shadowing and mentoring will be ineffective and students will not reap the full rewards of their work-based learning.

The best way to help enforce compliance with labor laws in a non-unionized workplace is to draft a checklist, working with the employee representative, that covers STWOA and FLSA provisions. Just visiting the work site can reveal volumes about safety and health. Local and state government and union offices may hold records of civil rights and OSHA complaints, and placement coordinators may find it worthwhile to check with these entities.

Teachers, students and placement coordinators must understand that when they go into a unionized work site, they are entering a structured system — the result of a long history of discussion and negotiation — that has sustained workers for many years. Understanding the non-union site is equally important.

Management vs. Labor

Mistrust between the two workplace partners — management and workers — can sometimes be perceived as a deterrent to initiating an STC partnership. What, if anything, can schools do to mitigate this? According to Lois Ann Porter, team member at the NSTWO and former member of the Boston Private Industry Council (PIC), schools should not get directly involved. She advises using a neutral and credible third-party entity such as a PIC to bring the two parties together to embark on STC. "Just as teacher unions would not appreciate business interference in their business," she points out, "so would worker unions not welcome schools stepping in."

Mistrust often is a manifestation of not knowing the other party's position. In Boston, where the PIC helped launch the work-based learning program ProTech, management's perception that labor would be against the program nearly got in the way of its start-up.

When the PIC first approached the management of local hospitals to launch the first phase of ProTech, which involved health services occupations, the managers said labor would not have any of it. But the PIC asked for a meeting anyway. Around the table sat all three groups. The union representatives looked over the proposal and agreed to it on the spot. "We're behind this 100 percent," they avowed, while the managers' jaws dropped to the floor, says Porter. This merely illustrates the point that management and labor may be so far apart and so unused to communicating that, when they attempt to speak for the other, their perceptions may prove to have been totally off-base.

The Boston-area hospitals, excluding City Hospital, were non-unionized except for the nurses. At that time — the early 1990s — there was an oversupply of nurses and many were being laid off, so the union felt it could not, in conscience, participate in a program that helped prepare students for jobs that might not exist. That was the strategic reason given for the union's refusal to have students on the nursing floors. Politically, of course, it was job security of incumbent nurses that weighed in more heavily in that decision, says Porter. Simply, management did not want to fight the unions on the issue of bringing students in to work on the nursing floors.

But this did not deter the PIC in working closely with a number of unions at City Hospital to determine where students could and could not be placed for quality work experiences. They found many potential spots in pediatric emergency, radiology and other departments. Porter doesn't see the union issue as a barrier at all — just another issue to settle through open and constant communication and concern for the needs of the incumbent workers. To be sure, placements in City Hospital took longer to work out and the union issues were a major driver. Progress was slower than at the non-unionized hospitals, but students ended up having "fabulous work experiences" there, says Porter.

Clearly, the most successful STC programs are those that find a path of mutual respect and understanding, leading to a true partnership of trust among school, business and the workforce.

The most successful STC programs are those that find a path of mutual respect and understanding, leading to a true partnership of trust among school, business and the workforce.

Making Reality the Perception

5

At the beginning of this book we contrasted perceived hurdles to employer participation in STC with the actual experiences of participating businesses. Clearly, a well-planned STC program that aims to mitigate risk and ease employers' concerns makes for satisfied partners.

But the question remains: How do we get nonparticipating employers to listen? How do we bring more businesses into STC?

Without doubting any of the real concerns that plague employers, some watchers of the STC scene believe businesses use liability as an excuse to say "no." If business leaders truly understood the value of students in the workplace to their businesses and communities, however, perhaps they'd be more open to the idea. Then perhaps educators and third-party groups such as PICs could change the "maybe" to a "yes."

Maybe you haven't approached employers with the knowledge required to convincingly assure them that the rewards of STC participation far outweigh the risks. When they've asked questions about legal issues, it's possible that you have not been able to answer authoritatively. This book has aimed to better prepare you to field those questions.

In any communication, however, sometimes it's not what you say so much as how you say it and the tack you take.

How do we get nonparticipating employers to listen? How do we bring more businesses into STC?

A Special Approach

Let's take a look at how a job placement worker in Maryland proposed placement of a special needs student to the manager of a clothing retailer. We know many employers are likely to shy away from letting students into their workplace due to perceived and apparent risks. We can safely assume, then, that these same employers might nearly run away screaming if asked to take on a special needs student.

Here's where communication is key. The job placement worker in this case never asked the retailer to take a special needs student. Rather, he observed the store's operation, identified a need (unpacking boxes of merchandise) and proposed a solution to the manager. After pointing out the advantages of enlisting a student worker for the task — most important, freeing up salespeople to help customers — the retailer readily agreed. The job placement worker

BEST COPY AVAILABLE

Concentrate on appealing to employers' interests and neutralizing their concerns.

then told the store manager he had an eager, able student in mind. He conceded the student's limitations and said the youth would not be appropriate for such roles as cashiering and selling, but he made clear that the teen possessed all the qualities needed for the specific task at hand.

Although the employer understood that he would be welcoming a special needs student on site, the job placement worker's "pitch" encouraged the retailer to focus on the gains to his store rather than any potential problems and liabilities related to the student's arrival. The happy ending of this particular story is that now, several years later, that student is still employed by that retailer. The job placement coordinator made the retailer an offer he could hardly refuse. Here was a partnership based on mutuality of interests, rather than beginning with the plea, "Will you please take on this young person?"

The lesson is not to let legal, labor and liability concerns take center stage — but rather to transform them into back-burner, back-of-the-mind issues. Concentrate on appealing to employers' interests and neutralizing their concerns. It is important to communicate clearly and positively that what business stands to gain through active STC involvement far outweighs any risks employers may assume.

Operating Orders

Sometimes, even when employers have agreed to participate in STC, they operate on preconceived notions of what students can and cannot do and where they can and cannot go at the work site, legally speaking. Or, it may simply be easier for employers to try to slot students in traditional, often less meaningful, roles in the workplace. This can severely impede the placement coordinator's goal of making the work-based experience a true learning vehicle for the student. But only if you let it happen.

The PIC in the Boston area is one STC group that refused to be blocked in its quest to provide quality work-site learning experiences to students. Lois Ann Porter, now a team member at the NSTWO, remembers well her experiences there. As a PIC member, she ran into resistance while seeking to place health occupations students in certain positions in area hospitals through the ProTech STC program. Their first response was that it wouldn't be legal.

"We pushed them a little, challenged them," Porter recalls. "We asked why, for instance, students could not be in an operating room. We didn't get aggressive about it, but gently 'pushed,' until they [the hospitals] found out students could go into the operating room. Their legal department, after scrutinizing the proposed job slots, could not come up with any legal reason not to proceed." Students were not, of course, handing the scalpel to the surgeon or making sutures. But the very act of scrubbing up and observing the operation up close was quite educational to all the youths involved.

Sharing Responsibility

Understanding legal and safety matters is not only vital to working effectively with employers but to meeting your responsibilities as educator to the students you place off-site. In its report, the National STW Risk Management Workgroup reminds us, "It is imperative that school-to-work stakeholders understand the financial and legal exposures they are subject

to when placing students off-campus as part of their academic program. With the appropriate information, training, supervision, protocols, checklists, tools and insurance products, risks can be minimized and effective teaching/learning strategies can take place."

Educators must take responsibility, too, when dealing with inexperienced businesses that may not be well informed. Take the time to educate them as to their responsibilities and help them take measures to meet those obligations.

The Balancing Act

It's a fine line between acknowledging difficulties and risks and making too large an issue out of them. Don't let imagined barriers throw you off course and don't let stereotypes get in the way of progress. We talked in Chapter 4 about the hospital officials who had totally misread the unions and anticipated problems, when the union actually responded with open arms.

Unions often are seen as problematic but reality doesn't bear that out. Gary Hoachlander, president of MPR Associates — a Berkeley, Calif., consulting company on education and workforce issues — states categorically that "I have never encountered a situation where a union opposed creating an effective work-based learning program. It simply has not been a problem." To the contrary, these valuable STC partners often take the initiative in building and implementing work-based learning programs.

Thinking Legally, Acting Locally

STC initiatives can be and have been legislated at the national and state levels, but the real action in building successful work-based learning programs takes place locally. It's always been that way. Randy Loomans, the labor liaison for STC in Washington state, stresses, "Unions were doing school-to-work before the phrase existed!"

Don't let imagined barriers throw you off course and don't let stereotypes get in the way of progress.

Knowing that progress in implementing safe, legal STC systems depends on local energy, ideas and vigilance, some practitioners are fashioning tools to help themselves and others think ahead — to anticipate and plan for all possibilities and pieces of the legal and labor puzzle that could potentially cloud their programs.

Tom Benton, the STC specialist in Saginaw, Mich., has developed a *Local Risk Management Plan Checklist* and has shared it with colleagues in his state. It poses key questions, provides boxes for status and priority codes and leaves space for specifying who's responsible and next steps. (For a copy of the full document see the contact information for Benton in Appendix 1.) It's instructive, as we conclude our look at legal and labor considerations in STC systems, to note just a few of the queries Benton deems "critical" in managing risk. Namely:

- Is priority given to safeguarding the health and safety of students?
- Does your written agreement between school and employer address health and safety issues?
- Does your written agreement define roles and responsibilities for ensuring student safety?
- When federal or state law does not apply to a particular employer or learning experience, will you allow a student to participate in a hazardous activity that would be prohibited if the law applied?
- Does your curriculum provide general awareness training in occupational safety and health?

Involving each and every stakeholder up-front will guarantee the huge benefit of open communication.

- Does your curriculum list the jobs prohibited to young workers by applicable local, state and federal laws?
- Do your employers/unions provide additional risk-specific training at the work site, including an understanding of specific tools or operations associated with student learning experiences that pose risks?
- Who is providing insurance and workers' compensation coverage for students at the work site?
- Does the school's basic voluntary student accident insurance program extend "school-time-only" coverage to students at the work site?
- Does the school have student accident catastrophic insurance that extends the basic voluntary student accident insurance coverage?
- Does the school have a mechanism in place to ensure that students have adequate medical insurance coverage before they go out to the workplace?
- Does the school's general liability insurance cover all insurance-related matters?

The safety and liability issues addressed in those questions are the basis of this book, and each query poses significant food for thought for schools seeking to encourage employer involvement in STC. These pages have shown that legal and labor considerations needn't and shouldn't be roadblocks to employer participation. But business and industry may need to see the keys to reducing their risks before they'll listen with open ears to rosy portraits of what they'll gain. All of the questions posed in Benton's checklist offer ways to minimize liability and promote a safe environment for students. You'd do well to mull the answers in the context of what you now know, with the realization that you can seek additional help from the resources listed in this book.

The Dance

Bringing all parties, including unions, to the table to discuss an STC program can effectively derail any future problems. Involving each and every stakeholder up-front — listening to and incorporating the voices and positions of employers, workers, insurance agencies, federal and state government representatives and the other groups stipulated by the STWOA — will guarantee the huge benefit of open communication and mitigate, if not eliminate, difficulties down the line.

Many experts suggest that using a third-party broker, such as a PIC or the Maine Career Advantage, is the way to go. As Kevin Healy of UNUM notes, "Schools already have their plates full, and do not have the time to research and negotiate these issues."

Whether your school itself or a third-party group administers the STC program, liability issues are bound to arise. But Richard Luecking, the team member at the NSTWO, maintains, "It all boils down to perception, and the need to educate employers."

Peter Joyce, the NAB vice president of communications, makes this analogy:

"We're talking about a dance. People have to come together on the dance floor ready to dance. Once you get employers there, then you can teach them the fancy footwork. Employers can come up with all kinds of objections, but if the 'ask' from educators is clear and their objectives ring true, then the call will resonate with employers."

Into the Future

Although incentives and relief from liability and associated costs are extremely important to the development of STC systems and to expanding employer participation, educators must be careful not to — in the words of Oklahoma STC state liaison Nathan Powell — "alter the authenticity, and therefore the sustainability, of school-to-work programs."

In other words, educators must stress the value-added product schools bring to employers — the student learner. Only by ensuring business not only that the financial costs of STC are manageable, but that the benefits to students, employers and society are great, will students be assured, after the STWOA sunsets in the year 2001, of access to the work-based learning opportunities they'll need as they ride off in pursuit of satisfying and productive careers.

Educators must stress the value-added product schools bring to employers — the student learner.

Appendix 1

Resources

Resources

Are You a Working Teen? What You Should Know About Safety and Health on the Job, #77-132; ***Preventing Death and Injuries of Adolescent Workers,*** #95-125; ***Child Labor Research Needs,*** #97-143. Three free publications from the National Institute for Occupational Safety and Health. NIOSH Publications, 4676 Columbia Parkway, Mailstop C-13, Cincinnati, OH 45226. (800) 356-4674 or (513) 771-3100; fax (513) 533-8573. E-mail: Pubstaft@cdc.gov. Web site: http://www.cdc.gov/niosh/homepage.html.

The Connecticut Employers' Guide to Hiring Students in School-to-Careers Programs. Education Department of the Connecticut Business and Industry Association (CBIA). (860) 244-1900. Available on the National School-to-Work Office (NSTWO) Web site (http://www.ed.gov — see URL under "Organizations").

"Engaging Organized Labor in School-to-Work Systems." Resource Bulletin, July 1996, NSTWO, Washington, DC. (202) 401-6222.

Getting Involved in School-to-Work: A Guide for Washington's Business & Labor Communities. Business/Labor Alliance for School-to-Work, Olympia, WA. (360) 943-0608; fax (360) 754-3574.

Getting to Work: A Guide to Better Schools. National Center for Research in Vocational Education (NCRVE), University of California-Berkeley. (800) 637-7652 or (800) 762-4093. Web site: http://www.askncrve@vocserve.berkeley.edu.

A Guide to Work-Based Learning: Business and Industry Risk Management Plan. Michigan State Board of Education, Michigan Department of Education, Office of Career and Technical Education. Tom Benton, STW specialist, School District of the City of Saginaw, principal author. (517) 797-4840, ext. 140.

Implementing a Local School-to-Work Partnership: Legal and Labor Considerations. Oklahoma Department of Vocational and Technical Education, Stillwater. (800) 654-4502 or (405) 743-5447.

Involving Unions in School-to-Work Initiatives. AFL-CIO, Human Resource Development Institute, Washington, DC. (800) 842-4734 or (202) 638-3912. E-mail: info@hdri-emp.trng.org.

Legal Issues in Experiential Education. Michael Goldstein, attorney, Dow, Lohnes & Alperson, Washington, DC. (202) 776-2000.

Minor Laws of Major Importance. Academy for Educational Development and National Institute of Work and Learning, Washington, DC. (202) 884-9186.

1994 School-to-Work Toolkits. Jobs for the Future, Boston. (617) 742-5995; fax (617) 742-5767.

Occupational Safety and Health Program. Oklahoma Department of Vocational and Technical Education, Stillwater. (800) 654-4502 or (405) 743-5447.

Oregon Work-Based Learning Manual: An Employer's Guide. Linn-Binton Business Education Compact, Albany, OR. (541) 924-9130.

Paid and Unpaid High School Internships: A Handbook for Employers. Buck Institute for Education, Novato, CA. (415) 883-0122. Available at Web site: http://www.bie.org.

Powerful Partnerships: School-to-Careers Success Through Business & Education Cooperation. AVA, Alexandria, VA. (800) 826-9972.

School to Work and Employer Liability: A Resource Guide. NSTWO, Washington, DC. (202) 401-6222.

School-to-Work Opportunities and the Fair Labor Standards Act: A Guide to Work-Based Learning, Federal Child Labor Laws and Minimum Wage Provisions. NSTWO, Washington, DC. (202) 401-6222.

San Diego School-to-Career Work-Based Learning Employer Handbook. San Diego County Partnership. Available at the NSTWO Web site at http://www.stw.ed.gov/Database/Subject2.cfm?RECNO=194. Or contact Cyd Spikes, co-project director, San Diego Private Industry Council. (619) 238-1445.

Successful Strategies: Building a School-to-Careers System. AVA, Alexandria, VA. (800) 826-9972.

State School-to-Work System Development — 1996. National Governors Association, Washington, DC. David Brown, senior policy analyst, NGA Center for Best Practices. (202) 624-5427.

"Statement of the STW Risk Management Workgroup." NSTWO, Greg Voorheis, chair. Contact the NSTWO at (202) 401-6222 or Voorheis at (802) 828-4343.

"Understanding and Applying Child Labor Laws." CenterFocus, April 1995, NCRVE, University of California-Berkeley. (800) 637-7652 or (800) 762-4093.

Vermont's School-to-Work Risk Management Guide. Vermont STW Risk Management Committee, Montpelier. Greg Voorheis, chair. (802) 828-4343.

Wisconsin School-to-Work: Employer Survey Report. Center on Education and Work, University of Wisconsin-Madison. Sarah Mason, project co-director. (608) 265-3795.

Organizations

The National School-to-Work Learning and Information Center of the National School-to-Work Office. The focal point of technical assistance and outreach efforts in STC programs. It uses the latest information technologies to serve as a national hub for collecting and disseminating information on STC activities. Its customized services are available to state and local STC partnerships, employers, schools, labor organizations, parents, students and the general public. Judith Gilbert and Richard Luecking are the team members involved in legal and liability issues. (202) 401-6222. Web site: http://www.stw.ed.gov. The site also includes information on the Young Worker Safety and Health Network.

AFL-CIO. Tony Sarmiento, assistant director, AFL-CIO Education Department. (202) 637-5144. Web site: http://www.aflcio.org.

American Vocational Association. Alexandria, VA. Recognized by the National School-to-Work Office as a technical assistance provider. (800) 826-9972. Web site: http://www.avaonline.org.

Human Resource Development Institute (HRDI). The educational arm of the AFL-CIO; funded by the NSTWO, Washington, DC. (800) 842-4734 or (202) 638-3912. E-mail: info@hdri-emp.trng.org.

Michigan Department of Education. M. Valorie Putnam, career and technical education consultant. (517) 335-0381; fax (517) 373-8776.

National Alliance of Business. Washington, DC. Peter Joyce, vice president, communications. (202) 289-2888. Web site: http://www.nab.com.

National Governors Association. Washington, DC. (202) 624-5300. Web site: http://www.nga.org.

National Institute for Occupational Safety and Health. Cincinnati. (800) 356-4674 or (513) 771-3100. For a publications list, e-mail pubstaft@cdc.gov.

National School-to-Work Office Risk Management Workgroup. Greg Voorheis, chair, STW grants manager, Vermont Department of Employment and Training. (802) 828-4343.

School District of Saginaw (MI) Career Complex. Tom Benton, STC specialist. (517) 335-4840, ext. 140.

U.S. Department of Labor, Employment Standards Administration Wage-Hour Division. John R. Fraser, acting administrator. (202) 219-8305. Web site: http://www.dol.gov/dol/esa/public/whd_org.htm.

Appendix 2

Work-based Learning Opportunities Chart

Work-based Learning Opportunities Chart

An Overview of the Six Major Types and Related Legal/Liability Compliance Factors

Prepared as a working document. Information in this chart is a general description only and does not carry the force of legal opinion.

Definitions:	**Student/Visitor**	**Volunteer**	**Unpaid Trainee**	**Student/Learner (Employee with training plan)**	**Apprentice (Employee with training plan)**	**Employee (Minor with work permit)**
Program examples:	-field trip -career exploration -job shadowing -day on-the-job -work-site project	-service learning -community service -service clubs -youth groups	-unpaid work experience -exploratory experience -career internship	-Cooperative Education -Work-Study (special education) -Summer Co-op -Paid Work Experience	-School-to-Registered Apprenticeship -Apprenticeship	-Part-time work -Full-time work -Summer job
Key components:	-school sponsored -guidelines established -no work performed	-non-profits only -can't be required -agency has operating guidelines -work permit on file at worksit -complies with state child labor provisions	-must meet 6 federal criteria for trainee: 1-progressive training 2-benefit of trainee 3-no displacement 4-no direct benefits to employer 5-no job entitlement 6-no wage entitlement	-training agreement -training plan -beginning and ending dates -monitored by school personnel -part of educational plan--credit given -work permit not needed	-training agreement -training plan -beginning and ending dates -monitored by school personnel -part of educational plan--credit given -work permit not needed -registered w/BAT	-work permit on file at worksite -work permit issued by schools -complies with child labor provisions
Age factors:						
14 and under	yes	yes	uncertain	no	no	no, few exceptions
14 and 15	yes	yes	yes	yes, limited hours and work	yes, limited hours and work	yes, limited hours and work
16 and 17	yes	yes	yes	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some exemptions allowed
18 and still in H.S.	yes	yes	yes	yes, limited by local program policies	yes, limited by local program policies	yes, limited by local program policies
18 and over	yes	yes	yes	yes	yes	yes

BEST COPY AVAILABLE

Definitions:	Student/Visitor	Volunteer	Unpaid Trainee	Student/Learner (Employee with training plan)	Apprentice (Employee with training plan)	Employee (Minor with work permit)
Legal Aspects:						
Unemployment Comp	N/A, no employee status	N/A, no employee status	N/A, no employee status	-time during training agreement is exempt; adult criteria is stricter	-time during training agreement is exempt; adult criteria is stricter	-paid by employer
Workers Comp	N/A, participants not performing service (not working)	Coverage under Act determined case-by-case	Coverage under Act determined case-by-case	-paid by employer	-paid by employer	-paid by employer
Hours worked	N/A, no employee status	N/A, no employee status	N/A, no employee status	-restricted by state and federal child labor provisions, some flexibility	-restricted by state and federal child labor provisions, some flexibility	-restricted by state and federal child labor provisions, exemptions for 16-17 year olds.
Hazardous occupations	N/A, no employee status, school operating policies should conform with acceptable practices	yes, school or agency operating guidelines should conform with state child labor provisions	N/A, no employee status, school and business operating policies should conform with acceptable practices	-not allowed; under certain conditions exemptions allowed but only in limited areas - 16/17 year olds	-not allowed; under certain conditions exemptions allowed but only in limited areas	-not allowed
Occupational safety or health hazard	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards
Safety Training	yes, essential--both prior and during	yes, essential--both prior and during	yes, essential--both prior and during	yes, essential--both prior and during	yes, essential--both prior and during	yes, essential--employer's responsibility

Definitions:	Student/Visitor	Volunteer	Unpaid Trainee	Student/Learner (Employee with training plan)	Apprentice (Employee with training plan)	Employee (Minor with work permit)
Legal Aspects (cont.)						
Personal Injury	-responsibility of parent and school--schools may provide short-term accident policy -general liability insurance provides essential coverage for business	-workers' comp coverage usually provided by organization/agency sponsoring program	-responsibility of individual, parent and school--schools may provide short-term accident policy -general liability insurance provides essential coverage for business -workers' comp coverage if student is determined to be "working"	-workers' comp coverage	-workers' comp coverage	-workers' comp coverage
Pupil Accounting (State Aid Membership)	N/A	N/A	-concurrent related instruction -supervised by school personnel -attendance records required	-concurrent related instruction -supervised by school personnel -attendance records required	-concurrent related instruction -supervised by school personnel -attendance records required	
Documentation (Risk Management Plan components)	-parent permission -roles/responsibilities detailed -activities detailed -work-site monitored by school	-program guidelines -roles/responsibilities detailed -activities detailed	-work-site visited prior and during -student monitored at work by school -worksite mentor assigned to student -student progress is assessed in skill attainment, work ethics, and attendance -training agreement and training plan -safety instruction is documented -training agreement details "6 criteria"	-work-site visited prior and during -student monitored at work by school -worksite mentor assigned to student -student progress is assessed in skill attainment, work ethics, and attendance -training agreement and training plan -safety instruction is documented	-work-site visited prior and during -student monitored at work by school -worksite mentor assigned to student -student progress is assessed in skill attainment, work ethics, and attendance -training agreement and training plan -safety instruction is documented -registered with Bureau of Apprenticeship and Training	-original work permit on file at worksite: CA-6 for youth 14 and 15 years old CA-7 for youth 16 and 17 years old -copy of work permit on file at school -other appropriate documentation on file for minors working under exemptions

Prepared by Tom Benton, School District of the City of Saginaw, September, 1996; revised October, 1997.

Appendix 3

Regional Wage-Hour Offices

BOSTON

Jim Sykes*
One Congress St.
Boston, MA 02114
(617) 565-2091
FAX (617) 565-3700

NEW YORK

Jim Sykes*
Bruce Sullivan ARA
201 Varick St.
Room 750
New York, NY 10014
(212) 337-2000
FAX (212) 620-6957

PHILADELPHIA

Jim Sykes*
Gateway Building
3535 Market St.
Room 15210
Philadelphia, PA 19104
(215) 596-1185
FAX (215) 596-1479

ATLANTA

Alfred (Hap) Perry
1375 Peachtree St., NE
Room 662
Atlanta, GA 30367
(404) 562-2202
FAX (404) 562-2224

CHICAGO

Everett P. Jennings**
230 S. Dearborn St.
Room 820 & 816
Chicago, IL 60604-1591
(312) 353-7280
FAX (312) 353-3835

DALLAS (DENVER)

M. Jose Villarreal, Jr
Federal Building
525 S. Griffin St.
Suite 800
Dallas, TX 75202-5007
(214) 767-6895
FAX (214) 767-2730

KANSAS CITY

Everett P. Jennings**
City Center Square Building
1100 Main St.
Kansas City, MO 64105
(816) 426-5386
FAX (816) 426-3482

SAN FRANCISCO

William C. Buhl
71 Stevenson St.
Suite 930
San Francisco, CA 94105
(415) 975-4510
FAX (415) 975-4539

* Sykes is acting regional administrator of the Wage-Hour Division's Northeast region, which encompasses the Boston, New York and Philadelphia offices. He works out of the Philadelphia office.

** Jennings is administrator of the Wage-Hour Division's Kansas City office and acting administrator of the division's Chicago office. Both offices are in the Wage-Hour Division's Midwest region. Jennings works out of the Kansas City office.

BEST COPY AVAILABLE

Appendix 4

State Child Labor Contacts

ALABAMA

Jerry C. Ray
State of Alabama
Labor Department
100 North Main St., Suite 620
Montgomery, AL 36104
(334) 242-8990

ALASKA

J.R. Randy Carr
State of Alaska
Labor Standards and Safety
P.O. Box 107021
Anchorage, AK 99510
(907) 269-4914

ARIZONA

Orlando J. Macias
State of Arizona
Labor Department
P.O. Box 19070
Phoenix, AZ 85005-9070
(602) 542-5887

ARKANSAS

Sandra King
State of Arkansas
Labor Standards
10421 West Markham
Little Rock, AR 72205
(501) 682-4501

CALIFORNIA

Nance S. Steffen
State of California
Labor Standards Enforcement
P.O. Box 420603
San Francisco, CA 94142
(415) 975-2080

COLORADO

Carlos M. Renteria
State of Colorado
Labor Standards Unit
1515 Arapahoe St., Ste. 375
Denver, CO 80203-2140
(303) 572-2241

CONNECTICUT

Gary Pechie
State of Connecticut
Wage and Workplace Standards Division
200 Folly Brook Blvd.
Wethersfield, CT 06109-1114
(860) 566-3450, Ext. 32

DELAWARE

Susan S. Anders
State of Delaware
Office of Labor Law Enforcement
4425 N. Market St.
Wilmington, DE 19802
(302) 761-8200

DISTRICT OF COLUMBIA

Janet Rosser
District of Columbia
Office of Wage and Hour
950 Upshur St. NW
Washington, DC 20011
(202) 576-6942

FLORIDA

Alecia Faughn
State of Florida
2661 Executive Center Circle West
Clifton Bldg., Ste. 101
Tallahassee, FL 32399-2150
(904) 487-2536

GEORGIA

John G. Clark
State of Georgia
Department of Labor
148 International Blvd. NE, Ste. 700
Atlanta, GA 30303-1751
(404) 656-3623

GUAM

Pascual V.A. Sablan
Guam
Wage and Hour Division
P.O. Box 9970
Tamuning, Guam 96931-9970
(671) 475-0172

HAWAII

Alan Asao
State of Hawaii
Enforcement
830 Punchbowl St., Room 340
Honolulu, HI 96813
(808) 586-8771

IDAHO

Ken Flatt
State of Idaho
Department of Labor
317 Main St.
Bosie, ID 83735
(208) 334-2327

ILLINOIS

Connie Knutti
State of Illinois
Department of Labor
160 North LaSalle St., 13th Floor
Chicago, IL 60601
(312) 793-1804

INDIANA

Melissa McIntosh
State of Indiana
Wage and Hour Division
402 West Washington St., Room W195
Indianapolis, IN 46204-2739
(317) 232-2683

IOWA

Marcielle Rockhill
State of Iowa
Employment Services, Div. of Labor
1000 East Grand Avenue
Des Moines, IA 50319-0209
(515) 281-8493

KANSAS

Craig Liskey
State of Kansas
Employment Standards
433 SW Topeka Blvd
Topeka, KS 66603-3151
(913) 296-4062

KENTUCKY

Dennis Langford
State of Kentucky
Employment Standards, Apprenticeship &
1047 US Hwy 127 South, Ste. 4
Frankfort, KY 40601
(502) 564-2784

LOUISIANA

Michael Long
State of Louisiana
Office of Labor
P.O. Box 94094
Baton Rouge, LA 70804-9094
(504) 564-2784

MAINE

Anne L. Hamel
State of Maine
Labor Standards, Wage & Hour Div
State House Station 45
Augusta, ME 04333-0045
(207) 624-6411

MARYLAND

Harris Lewis
State of Maryland
Division of Labor & Industry
501 St. Paul Place, 15th Floor
Baltimore, MD 21202-2272
(410) 333-4534

MASSACHUSETTS

Robert J. Prezioso
State of Massachusetts
Department of Labor and Industries
100 Cambridge St.
Boston, MA 02202
(617) 727-8519

MICHIGAN

Michael Dankert
Michigan Department of Labor
Wage Hour Division
P.O. Box 30476, 7150 Harris Drive
Lansing, MI 48909-7976
(517) 322-5269

MINNESOTA

Rosalyn Wade
State of Minnesota
Labor Standards Division
443 Lafayette Rd.
St. Paul, MN 55155
(612) 297-3349

MISSISSIPPI

Ray C. Minor, Executive Director
State of Mississippi
Workers' Compensation Commission
P.O. Box 5300, 1428 Lakeland Dr.
Jackson, MS 39296-5300
(601) 987-4200

MISSOURI

Colleen Baker
State of Missouri
Labor Standards
P.O. Box 449, 3315 W. Truman Blvd.
Jefferson City, MO 65102
(800) 475-2130; (314) 751-3403

MONTANA

John Andrew, Chief
State of Montana
Employment Relations Division
P.O. Box 6518
Helena, MT 59604-6518
(406) 444-4619

NEBRASKA

Raymond Griffin
State of Nebraska
Safety and Labor Standards
1313 Farnam St. 3rd Floor
Omaha, NE 68102-1898
(402) 595-3095

NEVADA

David J. Dahn
State of Nevada
Office of the State Labor Commissioner
555 East Washington, Suite 4100
Las Vegas, NV 89101
(702) 486-2650

NEW HAMPSHIRE

Cynthia A. Flynn
State of New Hampshire
Department of Labor
P.O. Box 2076, State office Park So.
Concord, NH 03302-2076
(603) 271-2597

NEW JERSEY

Martin Gartzman
State of New Jersey
Wage and Hour Compliance
135 E. State St., CN 389
Trenton, NJ 08625-0329
(609) 292-7860

NEW MEXICO

Terrie F. Baca
State of New Mexico
Labor and Industrial Division
501 Mountain Rd. NE
Albuquerque, NM 87102
(505) 841-8988

NEW YORK

Richard Polsinello
State of New York
Labor Standards
Building 12, State Campus, Room 532
Albany, NY 12240
(518) 457-2460

NORTH CAROLINA

Thomas Harris
State of North Carolina
Wage and Hour
413 North Salisbury St
Raleigh, NC 27603-5942
(919) 733-0358

NORTH DAKOTA

Ron Gumeringer
State of North Dakota
Wage and Hour
600 East Blvd. State Capitol 13th Floor
Bismarck, ND 58505
(701) 328-2659

OHIO

Abbe T. Allen
State of Ohio
Wage and Hour Division
P.O. Box 1618, 145 S. Front St.
Columbus, OH 43216-1618
(614) 644-2393

OKLAHOMA

Donald J. Bento
State of Oklahoma
Employment Standards Division
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105-5212
(405) 528-1500, Ext. 259

OREGON

Christine Hammond
State of Oregon
Wage and Hour Division
800 NE Oregon St. #32
Portland, OR 97232
(503) 731-4074, Ext. 247

PENNSYLVANIA

Helen Friedman
State of Pennsylvania
Labor Standards/Seventh & Forster Sts.
1305 Labor & Industry Bldg.
Harrisburg, PA 17120
(717) 787-4670

PUERTO RICO

Jose A. Escalera Benitez
Labor Standards Bureau
505 Munoz Rivera Ave.
Hato Rey, Puerto Rico 00918
(809) 754-5810

RHODE ISLAND

Jacqueline Cugini
State of Rhode Island
Labor Standards
610 Manton Ave., Room 126
Providence, RI 02909
(401) 457-1808

SOUTH CAROLINA

Von E. Reeves
State of South Carolina
Office of Labor Services
P.O. Box 11329
Columbia, SC 29211-1329
(803) 734-9688

SOUTH DAKOTA

James Marsh
State of South Dakota
Labor and Management
700 Governors Drive
Pierre, SD 57501-2291
(605) 773-3681

TENNESSEE

Mary Ellen Grace
State of Tennessee
Labor Standards Division
710 James Robertson Pkwy, 3rd Floor
Nashville, TN 37243-0657
(615) 741-2858

TEXAS

Jim Grametbauer
State of Texas
Labor Law Department
101 East 15th St.
Austin, TX 78778-0001
(512) 795-6601

UTAH

Colleen Strasburg
State of Utah
Labor Division
P.O. Box 146630
Salt Lake City, UT 84114-6630
(801) 530-6803

VERMONT

JoAnna Goodrich
State of Vermont
Wage & Hour/Child Labor
National Life Building, Drawer 20
Montpelier, VT 05620-3401
(802) 828-2157

VIRGIN ISLANDS

Antonio Arocho-Soto
Labor Relations
Niskey Center
St. Thomas, Virgin Islands 00841
(809) 775-3498

VIRGINIA

Dennis Merrill
State of Virginia
State Labor Law Administration
Powers-Taylor Bldg., 13 South 13th St.
Richmond, VA 23219
(804) 786-3224

WASHINGTON

Greg Mowat
State of Washington
Employment Standards/
Consultation & Compliance
P.O. 44510
Olympia, WA 98504-4510
(360) 902-5310

WEST VIRGINIA

Barbara Gandy
State of West Virginia
Wage and Hour
Room 319 Bldg. #3, Capitol Complex
Charleston, WV 25305
(304) 558-7890

WISCONSIN

James Stelsel
State of Wisconsin
Equal Rights Division
P.O. Box 8928, 201 E. Washington Ave.
Madison, WI 53708
(608) 266-0026

WYOMING

Charles Rando
State of Wyoming
Labor Standards
6101 Yellowstone Rd., N. Bldg. Rm 259C
Cheyenne, WY 82002
(307) 777-7261

Appendix 5

Application of State and Federal Child Labor Laws

APPLICATION OF STATE AND FEDERAL STANDARDS

RESTRICTED OCCUPATIONS	HIGHER STANDARD	FEDERAL RESTRICTED OCCUPATIONS Fair Labor Standards Act of 1938 Wage and Hour Division U.S. Department of Labor (X = restricted occupation) PROHIBITED FOR AGES: page numbers from WH1330 (attached)		STATE RESTRICTED OCCUPATIONS Youth Employment Standards Act, 1978 Public Act 90 Wage and Hour Division, Michigan Department of Consumer and Industry Services (X = restricted occupation) PROHIBITED FOR AGES: page numbers from Restricted Occupations document (attached)		STATE DEVIATION POSSIBLE FOR 16-17
		14/15	16/17	14/15	16/17	
1. Alcoholic Beverages	State			Restrictions pg. 13	Restrictions pg. 13	
2. Communications & Public Utilities	Federal	X - pg. 2				
3. Confined Spaces	State			X - pg. 13		
4. Construction Operations	Both	X - pg. 2 & 11	X- pg. 2 & 11	X - pg. 13	X - pg. 13	yes
5. Cooking and Baking	Federal	X - pg. 2, 3, 9				
6. Extinguishment of Fires	State			X - pg. 14	X - pg. 14	
7. Food Slicers, Grinders, Choppers & Cutters	Both	X - pg. 2, 3, 9	X - pg. 2, 3, 9	X - pg. 20	X - pg. 20	
8. Freezers and Coolers (see State confined spaces)	Federal	X - pg. 2, 3				
9. Hazardous Substances:						
Clay Construction Products	Both	X - pg. 2, 10	X - pg. 2, 10	X - pg. 14	X - pg. 14	
Explosives	Both	X - pg. 2, 3	X - pg. 2, 3	X - pg. 14	X - pg. 14	
Radioactive Substances	Both	X - pg. 2, 6	X - pg. 2, 6	X - pg. 15	X - pg. 15	
Self-Luminous/Silica Refractory Products	Both	X - pg. 2, 6, 10	X - pg. 2, 6, 10	X - pg. 15	X - pg. 15	
Substances Marked "Dangerous"	State	X		X - pg. 14	X - pg. 14	yes
10. Hoisting Apparatus: Crane, Elevator, Lifts	Both	X - pg. 2, 6	X - pg. 2, 6	X - pg. 16	X - pg. 16	
Working under Hoists, Jacks, Blocks, and Hydraulic Power Systems	Both	X - pg. 2, 6		X - pg. 16		
Power Industrial Trucks	Both	X - pg. 2, 6	X - pg. 2,6	X - pg. 16	X - pg. 16	
11. Ladders & Scaffolding	Both	X - pg. 2		X - pg. 16		
12. Load/Unload Goods	Federal	X - pg. 2, 3				
13. Logging & Sawmills	Both	X - pg. 2, 5	X - pg. 2-5	X - pg. 17	X - pg. 17	yes

BEST COPY AVAILABLE

RESTRICTED OCCUPATIONS	HIGHER STANDARD	FEDERAL PROHIBITED FOR AGES:		STATE PROHIBITED FOR AGES:		STATE DEVIATION POSSIBLE FOR 16-17
		14/15	16/17	14/15	16/17	
14. Manufacturing	Federal	X - pg. 2				
15. Mines and Quarries	Both	X - pg. 2, 4, 8	X - pg. 2, 4, 8	X - pg. 17	X - pg. 17	
16. Motor Vehicles - driving (including Outside Helpers)	Both	X - pg. 2, 4	X - pg. 2, 4	X - pg. 18	X - pg. 18	
17. Ore Reduction, Casting Metals	Both	X - pg. 2		X -pg. 18	X - pg. 18	
18. Performing Arts Organizations (may be less than 14)	State			Restrictions pg. 19	Restrictions pg. 19	
19. Power Driven:						
Bakery Machines	Both	X - pg. 2, 9	X - pg. 2, 9	X - pg. 20	X - pg. 20	
Earth Moving Equipment and Trenchers	Both	X - pg. 2, 11	X - pg. 2, 11	X - pg. 20	X - pg. 20	
Lawn Mowers & Cutters	Both	X - pg. 2		X - pg. 20		
Meat Processing Machines	Both	X - pg. 2, 9	X - pg. 2, 9	X - pg. 20	X - pg. 20	
Metal Forming Machines	Both	X - pg. 2, 7	X - pg. 2-7	X - pg. 20	X - pg. 20	yes
Paper Products Machines	Both	X - pg. 2, 10	X - pg. 2, 10	X - pg. 21	X - pg. 21	yes
Saws	Both	X - pg. 2, 11	X - pg. 2, 11	X - pg. 21	X - pg. 21	
Tractors	Both	X		X - pg. 21		
Woodworking Machines	Both	X - pg. 2, 5	X - pg. 2, 5	X - pg. 21	X - pg. 21	yes
20. Public Messenger Service	Federal	X - pg. 2				
21. Respiratory Equipment	State			X - pg. 22	X - pg. 22	
22. Roofing	Federal	X - pg. 2, 11	X - pg. 2, 11			
23. Slaughtering, Meat Packing and Tanning	Both	X - pg. 2, 9	X - pg. 2, 9	X - pg. 22	X - pg. 22	
24. Transportation of Persons or Property	Both	X - pg. 2, 4	X - pg. 2, 4	X - pg. 18	X - pg. 18	
25. Warehouse and Storage	Federal	X - pg. 3				
26. Welding, Heat Treating, Brazing and Soldering	Both	X - pg. 2		X - pg. 22		
27. Wrecking and Demolition	Both	X - pg. 2, 11	X - pg. 2, 11			

THIS GUIDE IS INTENDED FOR GENERAL INFORMATION ONLY. Please contact the following for further information:
For the Federal FAIR LABOR STANDARDS ACT, contact the U.S. Department of Labor Wage & Hour Division - Grand Rapids - 616/456-2004 or Detroit 313/226-7447
For the Michigan YOUTH EMPLOYMENT STANDARDS ACT, contact the Michigan Department of Consumer and Industry Services - Bureau of Safety and Regulation, Wage-Hour Division, Lansing - 517/322-1825.

BEST COPY AVAILABLE

Appendix 6

State Workers' Compensation Offices

ALABAMA

Frank Willet, Administrator
Workers' Compensation Division
Department of Industrial Relations
Industrial Relations Building
Montgomery, AL 36131
(334) 343-2868 or (800) 528-5166

ALASKA

Paul L. Grossi, Director
Workers' Compensation Division
Department of Labor
1111 W. 8th St., Suite 307
P.O. Box 25512
Juneau, AK 99802-5512
(907) 465-2790

ARIZONA

Larry J. Etchechury, Director
Industrial Commission
800 W. Washington St.
P.O. Box 19070
Phoenix, AZ 85005-9070
(602) 542-4411 or (800) 544-6488

ARKANSAS

Elden Coffman, Chairman
Workers' Compensation Commission
4th and Spring St.s
P.O. Box 950
Little Rock, AR 72203-0950
(501) 682-3930 or (800) 622-4472

CALIFORNIA

Casey L. Young, Administrative Director
Division of Workers' Compensation
45 Freemont St., Suite 3160
P.O. Box 420603
San Francisco, CA 94142
(415) 975-0700 or (800) 736-7401

COLORADO

Jackie Calvert, Deputy Director
Division of Workers' Compensation
1515 Arapahoe St.
Denver, CO 80202
(303) 575-8700

CONNECTICUT

Jesse M. Frankl, Chairman
Workers' Compensation Commission
21 Oak St.
Hartford, CT 06106
(860) 493-1500 or (800) 223-9675

DELAWARE

John Kirk III, Administrator
Industrial Accident Board
4425 N. Market St., Third Floor
Wilmington, DE 19802
(302) 761-8200 or (800) 292-7885

DISTRICT OF COLUMBIA

Charles L. Green, Associate Director
Office of Workers' Compensation
1200 Upshur St., NW, Second Floor
Washington, DC 20011
(202) 576-6265, ext. 300

FLORIDA

Jimmy R. Glisson, Director
Division of Workers' Compensation
301 Forrest Building
2728 Centerview Drive
Tallahassee, FL 32399-0680
(904) 488-2514 or (800) 342-1741

GEORGIA

Harrill Dawkins, Chairman
Board of Workers' Compensation
270 Peachtree St., NW
Atlanta, GA 30303-1205
(404) 656-3875 or (800) 533-0682

HAWAII

Gary S. Hamada, Administrator
Disability Compensation Division
Department of Labor and Industrial Relations
830 Punchbowl St., Room 211
P.O. Box 3769
Honolulu, HI 96812
(808) 586-9151

BEST COPY AVAILABLE

IDAHO

Gary W. Stivers, Executive Director
Industrial Commission
Statehouse Mall
317 Main St.
P.O. Box 83720
Boise, ID 63720-0041
(208) 334-6000 or (800) 950-2110

ILLINOIS

John W. Hallock, Jr., Chairman
Industrial Commission
100 W. Randolph St.
Suite 8-200
Chicago, IL 60601
(312) 814-6500

INDIANA

Terry Corider, Chairman
Workers' Compensation Board
Room W-196
402 W. Washington St.
Indianapolis, IN 46204
(317) 232-3808

IOWA

Iris J. Post, Industrial Commissioner
Division of Industrial Services
Iowa Workforce Development
1000 E. Grand Ave.
Des Moines, IA 50319
(515) 281-5934 or (800) 562-4692

KANSAS

Philip S. Harness, Director
Director of Workers' Compensation
Department of Human Resources
800 SW Jackson St., Suite 600
Topeka, KS 66612-1227
(913) 296-3441 or (800) 322-0353

KENTUCKY

Walter W. Turner, Commissioner
Department of Workers' Claims
1270 Louisville Road
Perimeter Park W., Building C
Frankfort, KY 40601
(502) 564-5550 or (800) 554-8601

LOUISIANA

Ronald Menville, Director
Office of Workers' Compensation
1001 N. 23rd St.
P.O. Box 94040
Baton Rouge, LA 70802-9040
(504) 342-7555 or (800) 756-7123

MAINE

Paul R. Dionne, Executive Director
Workers' Compensation Board
27 State House Station
Augusta, ME 04333
(207) 287-3751 or (800) 400-6854

MARYLAND

Charles J. Krysiak, Chairman
Workers' Compensation Commission
6 N. Liberty St.
Baltimore, MD 21201-3785
(410) 767-0900 or (800) 492-0479

MASSACHUSETTS

James J. Campbell, Commissioner
Department of Industrial Accidents
600 Washington St., Seventh Floor
Boston, MA 02111
(617) 727-4900 or (800) 323-3249

MICHIGAN

Jack F. Wheatley, Director
Bureau of Workers' Disability Compensation
201 N. Washington Square
P.O. Box 30016
Lansing, MI 48909
(517) 322-1296

MINNESOTA

Gretchen B. Maglich, Assistant Commissioner
Division of Workers' Compensation
Department of Labor and Industry
443 Lafayette Road N.
St. Paul, MN 55155-4319
(612) 296-6490 or (800) 342-5354

MISSISSIPPI

Claire Porter, Chairwoman
Workers' Compensation Commission
1428 Lakeland Drive
P.O. Box 5300
Jackson, MS 39296-5300
(601) 987-4200

MISSOURI

JoAnn Karll, Director
Division of Workers' Compensation
Department of Labor and Industrial Relations
P.O. Box 58
Jefferson City, MO 65102
(573) 751-4231 or (800) 775-2667

MONTANA

Charles L. Hunter, Administrator
Employment Relations Division
Department of Labor and Industry
1805 Prospect Ave.
P.O. Box 8011
Helena, MT 59604-8011
(406) 444-6530 or (800) 772-2141

NEBRASKA

Laureen VanNorman, Presiding Judge
Workers' Compensation Court
Capitol Building
P.O. Box 98908
Lincoln, NE 68509-8908
(402) 471-2568

NEVADA

Douglas Dirks, CEO
State Industrial Insurance System
515 E. Musser St.
Carson City, NV 89714
(702) 687-5220 or
(800) 553-5115 (N.ern region)
(800) 767-1446 (Southern region)

NEW HAMPSHIRE

Kathryn Barger, Director
Workers' Compensation Division
Department of Labor
95 Pleasant St.
Concord, NH 03301
(603) 271-3176 or (800) 272-4353

NEW JERSEY

Paul A. Kapalko, Director/Chief Judge
Division of Workers' Compensation
Department of Labor
C. N. 381
Trenton, NJ 08625-0381
(609) 292-2414

NEW MEXICO

Stephen Kennedy, Acting Director
Workers' Compensation Administration
2410 Centre Drive, SE
P.O. Box 27198
Albuquerque, NM 87125-7198
(505) 841-6000 or (800) 255-7965

NEW YORK

Robert R. Snashall, Chairman
Workers' Compensation Board
100 Broadway-Menands
Albany, NY 12241
(518) 474-6670

NORTH CAROLINA

J. Howard Bunn, Jr., Chairman
Industrial Commission
Dobbs Building
430 N. Salisbury St.
Raleigh, NC 27611
(919) 733-4820

NORTH DAKOTA

Pat Traynor, Executive Director
Workers' Compensation Bureau
500 E. Front Ave.
Bismarck, ND 58504-5685
(701) 328-3800

OHIO

James Conrad, Administrator
Bureau of Workers' Compensation
30 W. Spring St.
Columbus, OH 43266-0581
(614) 466-8751 or (800) 282-9586

OKLAHOMA

Richard Mason, Presiding Judge
Workers' Compensation Court
1915 N. Stiles Ave.
Oklahoma City, OK 73105-4904
(405) 557-7600 or (800) 522-8210

OREGON

Mary Neidig, Administrator
Workers' Compensation Division
350 Winter St., NE
Salem, OR 97310
(503) 945-7881

PENNSYLVANIA

Richard Himler, Director
Bureau of Workers' Compensation
Department of Labor and Industry
1171 S. Cameron St., Room 103
Harrisburg, PA 17104-2501
(717) 783-5421 or (800) 482-2383

PUERTO RICO

Basilio Rivera, Chairman
Industrial Commission
G.P.O. Box 364466
San Juan, Puerto Rico 00936-4466
(809) 783-2028

RHODE ISLAND

Edna Poulin, Director
Division of Workers' Compensation
Department of Labor
610 Manton Ave.
P.O. Box 3500
Providence, RI 02909
(401) 457-1800 or (800) 675-9233

SOUTH CAROLINA

Thomas M. Marchant III, Chairman
Workers' Compensation Commission
1612 Marion St.
P.O. Box 1715
Columbia, SC 29202-1715
(803) 737-5700 or (800) 868-4244

SOUTH DAKOTA

James Marsh, Director
Division of Labor & Management
Department of Labor
700 Governors Drive, Kneip Building
Pierra, SD 57501-2291
(605) 773-3681

TENNESSEE

Dina Tobin, Director
Division of Workers' Compensation
Department of Labor
Gateway Plaza, Second Floor
710 James Robertson Parkway
Nashville, TN 37243-0661
(615) 741-2395 or (800) 332-2667

TEXAS

O.D. Kenemore, Chairman
Workers' Compensation Commission
Southfield Building
4000 S. IH-35
Austin, TX 78704-7491
(512) 448-7900 or (800) 252-7031

UTAH

Joyce Sewell, Director
Industrial Accident Division
Industrial Commission
160 E. 300 South, Third Floor
P.O. Box 146610
Salt Lake City, UT 84114-6610
(801) 530-6800 or (800) 530-5090

VERMONT

Mary S. Hooper, Commissioner
Department of Labor anad Industry
National Life Building, Drawer 20
Montpelier, VT 05620-3401
(802) 828-2286 or (800) 734-2286

VIRGINIA

Lawrence Tarr, Chairman
Workers' Compensation Commission
1000 DMV Drive
Richmond, VA 23220
(804) 367-8600

VIRGIN ISLANDS

Jeannette Encarnacion, Director
Workers' Compensation Division
Department of Labor
2131 Hospital St.
St. Croix, Virgin Islands 00820-4666
(809) 692-9390 or (809) 773-1994, ext. 238

WASHINGTON*

Mark Brown, Director
Department of Labor and Industries
7273 Linderson Way, SW
Tumwater, WA 98501-4850
(360) 902-5800 or (800) 547-8367
*mailing address
P.O. Box 44001
Olympia, WA 98504-4001

WEST VIRGINIA

William F. Vieweg
Workers' Compensation Division
4700 MacCorkle Ave., SE
Charleston, WV 25304
(304) 926-5048 or (800) 628-4265

WISCONSIN

Greg Krohn, Administrator
Workers' Compensation Division
Department of Workforce Development
201 E. Washington Ave.
P.O. Box 7901
Madison, WI 53707
(608) 266-1340

WYOMING

Martin Mueller, Administrator
Workers' Compensation Division
122 W. 25th St., Second Floor
Herschler Building, East Wing
Cheyenne, WY 82002-0700
(307) 777-7159

81

Appendix 7

State AFL-CIO Contacts

Alabama Labor Council
(205) 942-5260

Alaska State AFL-CIO
(907) 258-6284

Arizona State AFL-CIO
(602) 631-4488

Arkansas State AFL-CIO
(501) 375-9101

California Labor Federation
(415) 986-3585

Colorado AFL-CIO
(303) 433-2100

Connecticut State AFL-CIO
(860) 571-6191

Delaware State AFL-CIO
(302) 322-0111

Florida AFL-CIO
(904) 224-6926

Georgia State AFL-CIO
(404) 525-2793

Hawaii State AFL-CIO
(808) 597-1441

Idaho State AFL-CIO
(208) 345-8582

Illinois State Federation of Labor
& Congress of Industrial Organizations
(217) 544-4014

Indiana State AFL-CIO
(317) 632-9147

Iowa Federation of Labor
(515) 262-9571

Kansas AFL-CIO
(913) 267-0100

Kentucky State AFL-CIO
(502) 695-6172

Louisiana AFL-CIO
(504) 383-5741

Maine AFL-CIO
(207) 947-0006

Maryland State and D.C. AFL-CIO
(410) 269-1940

Massachusetts AFL-CIO
(617) 227-8260

Michigan State AFL-CIO
(517) 487-5966

Minnesota AFL-CIO
(612) 227-7647

Mississippi AFL-CIO
(601) 948-0517

Missouri AFL-CIO
(573) 634-2115

Montana State AFL-CIO
(406) 442-1708

Nebraska State AFL-CIO
(402) 734-1300

Nevada State AFL-CIO
(702) 882-7490

New Hampshire AFL-CIO
(603) 224-4789

New Jersey State AFL-CIO
(609) 989-8730

New Mexico Federation of Labor
(505) 262-2629

New York State AFL-CIO
(518) 436-8516

North Carolina State AFL-CIO
(919) 833-6678

North Dakota AFL-CIO
(701) 223-0784

Ohio AFL-CIO
(614) 224-8271

Oklahoma State AFL-CIO
(405) 528-2409

Oregon AFL-CIO
(503) 585-6320

Pennsylvania AFL-CIO
(717) 238-9351

Puerto Rico Federation of Labor
(809) 722-1343

Rhode Island AFL-CIO
(401) 751-7100

South Carolina AFL-CIO
(803) 798-8300

South Dakota State Federation of Labor
(605) 339-7284

Tennessee State Labor Council
(615) 269-7111

Texas State AFL-CIO
(512) 477-6195

Utah State AFL-CIO
(801) 972-2771

Vermont State Labor Council
(802) 223-5229

Virginia State AFL-CIO
(804) 355-7444

Washington State Labor Council
(206) 281-8901

West Virginia Labor Federation
(304) 344-3557

Wisconsin State AFL-CIO
(414) 771-0700

Wyoming State AFL-CIO
(307) 635-2823

Appendix 8

State School-to-Work Coordinators

ALABAMA

Lynda Hart
State Occupational Information
Coordinating Committee
Center for Commerce, Room 424
401 Adams Ave.
P.O. Box 5690
Montgomery, AL 36104
Phone: (334) 242-5300
Fax: (334) 242-5855

ALASKA

Sally Saddler
Executive Director
Alaska Department of Education
801 W. 10th Street
Suite 200
Juneau, AK 99801-1894
Phone: (907) 465-8726
Fax: (907) 465-3240
E-mail: ssaddler@educ.state.ak.us

ARIZONA

Gary E. Abraham
Director, Governor's Division of School-to-Work
3800 N. Central Ave.
Building D
Phoenix, AZ 85012
Phone: (602) 280-8130
Fax: (602) 280-8139
E-mail: garya@ep.state.az.us

ARKANSAS

Jean McGann
Arkansas Career Opportunities Initiative
Department of Workforce Education
Three Capitol Mall, Luther S. Hardin Building
Little Rock, AR 72201-1083
Phone: (501) 682-1666
Fax: (501) 682-1509

CALIFORNIA

Ron Farland
Dean of Economics
Chancellor's Office of California Community
Colleges
1107 Ninth St., G-1
Sacramento, CA 95814
Phone: (916) 322-4003
Fax: (916) 322-3861
E-mail: rfarland@ccl.cccco.edu

Stuart Greenfeld
Assistant Superintendent and Director
Department of Education High School Division
721 Capitol Mall, Fourth Floor
P.O. Box 944272
Sacramento, CA 94244-2720
Phone: (916) 657-2532
Fax: (916) 657-5079
E-mail: sgreenfe@cde.ca.gov

Steve Saxton
Deputy Director
California Employment
Development Department
800 Capitol Mall, MIC 88
P.O. Box 826880
Sacramento, CA 94280-0001
Phone: (916) 654-6138
Fax: (916) 654-5918
E-mail: stcmail@ns.net

COLORADO

Marilyn Akers
Director, Colorado School-to-Career Partnership
1580 Logan St., Suite 410
Denver, CO 80203
Phone: (303) 894-2060
Fax: (303) 894-2064
E-mail: carrie.frick@state.co.us

BEST COPY AVAILABLE

CONNECTICUT

Leslie M. Averna
Associate Commissioner of Education
Connecticut State Department of Education
25 Industrial Park Road
Middletown, CT 06457-1543
Phone: (860) 638-4000
Fax: (860) 638-4156
E-mail: lma1208@aol.com

DELAWARE

Lewis Atkinson
Delaware Department of Public Instruction
Townsend Building
Federal and Lockerman Streets
P.O. Box 1402
Dover, DE 19903
Phone: (302) 739-4638
Fax: (302) 739-3744

DISTRICT OF COLUMBIA

Noel Meekins
Department of Employment Services
Office of the Director
500 C St., NW, Room 600
Washington, DC 20001
Phone: (202) 724-7170
Fax: (202) 724-7112

FLORIDA

Michael Brawer
Director, School-to-Work Joint Services
325 W. Gaines St.
Suite 754
Tallahassee, FL 32399
Phone: (904) 488-7394
Fax: (904) 488-3192
E-mail: brawerm@mail.doe.state.fl.us

GEORGIA

Tim Burgess
Office of Planning & Budget
254 Washington St., SW
Atlanta, GA 30304
Phone: (404) 656-3820
Fax: (404) 656-7198

HAWAII

Dr. Herbert Randall
State Executive Director
Hawaii School-to-Work Opportunities
874 Dillingham Blvd.
Honolulu, HI 96817
Phone: (808) 845-9432
Fax: (808) 847-9880
E-mail: herb_randall@notes.k12.hi.us@inet

IDAHO

Karen Fraley
Executive Director
Idaho School-to-Work
P.O. Box 83720
Boise, ID 83720-9506
Phone: (208) 332-6928
Fax: (208) 334-5048
E-mail: stw@micron.net

ILLINOIS

Fran Beauman
Center for Business, Community
& Family Partnerships
100 N. First St. , E-426
Springfield, IL 62777-0001
Phone: (217) 782-4620
Fax: (217) 782-9224

INDIANA

Peggy O'Malley
Deputy Commissioner/State STW Director
Department of Workforce Development
10 N. Senate Ave., SE
Room 302, Indiana Government Center
Indianapolis, IN 46204-2277
Phone: (317) 232-1832
Fax: (317) 233-1670
E-mail: peggy_o'malley_at_dwd-is@ima.isd.state.in.us

IOWA

Mary Petersen
Co-Director
Workforce Development Administrative Center
Grimes State Office Building, 3rd Floor
Des Moines, IA 50319
Phone: (515) 281-4705
Fax: (515) 242-5618
E-mail: mpeterso@ided.state.ia.us

Laurie Phelan
Co-Director
Workforce Development Administrative Center
Grimes State Office Building, 3rd Floor
Des Moines, IA 50319
Phone: (515) 242-5611
Fax: (515) 242-5618
E-mail: lphelan@ided.state.ia.us

KANSAS

Vicki Kelly
Kansas State Department of Education
120 SE 10th Ave.
Topeka, KS 66612-1182
Phone: (913) 296-3915
Fax: (913) 296-3523

KENTUCKY

Dianne H. Smithers
Executive Director
Berry Hill Annex
700 Louisville Road
Frankfort, KY 40601
Phone: (502) 564-5901
Fax: (502) 564-5904
E-mail: dsmithers@mail.state.ky.us

LOUISIANA

Chris Weaver
School-to-Work Liaison
Office of the Governor
P.O Box 94004
Baton Rouge, LA 70804-9004
Phone: (504) 342-2094
Fax: (504) 342-1494
E-mail: lifelonglearn@linknet.net

MAINE

Chris Lyons
Director, Workforce Education
and School-to-Work Opportunities
Department of Education
23 State House Station
Augusta, ME 04333-0023
Phone: (207) 287-5854
Fax: (207) 287-5894
E-mail: chris.lyons@state.me.us

MARYLAND

Katharine Oliver
Assistant State Superintendent
Department of Education
200 W. Baltimore St.
Baltimore, MD 21201-2595
Phone: (410) 767-0157
Fax: (410) 333-2099
E-mail: lmgilli@umd5.edu

MASSACHUSETTS

Kathy Flynn
Director of Partnership Development
Massachusetts Office for
School-to-Work Transition
350 Main St.
Malden, MA 02148
Phone: (617) 388-3300, ext. 335
Fax: (617) 388-3382
E-mail: kflynn@stw.bssc.org

Francis Kane
Acting Director
Massachusetts Office for
School-to-Work Transition
350 Main St.
P.O. Box 9140
Malden, MA 02148-5023
Phone: (617) 388-3300, ext. 335
Fax: (617) 388-3392

MICHIGAN

Robert T. Pendleton
Director, Office of Workforce Development
Michigan Jobs Commission
201 N. Washington Square
Victor Office Center, Fifth Floor
Lansing, MI 48913
Phone: (517) 335-5853
Fax: (517) 335-5945
E-mail: PendletonR@state.mi.us

MINNESOTA

Eugene Piccolo
Assistant Commissioner
Minnesota Department of Children,
Families and Learning
684 Capitol Square Building
550 Cedar St.
St. Paul, MN 55101-2273
Phone: (612) 282-6277
Fax: (612) 296-3348
E-mail: gene.piccolo@state.mn.us

MISSISSIPPI

Shirley Norwood
Department of Education
School-to-Work Transition
500 High St.
P.O. Box 771
Jackson, MS 39205-0771
Phone: (601) 359-5745
Fax: (601) 359-6619

MISSOURI

Doug Sutton
Assistant Director, School-to-Work
Missouri Department of Elementary
and Secondary Education
P.O. Box 480
Jefferson City, MO 65102
Phone: (573) 751-4192
Fax: (573) 526-4261
E-mail: dsutton1@mail.dese.state.mo.us

MONTANA

Jane Karas
Office of the Commissioner of Higher Education
2500 Broadway
Helena, MT 59620-3101
Phone: (406) 444-0316
Fax: (406) 444-1469

NEBRASKA

Darl Naumann
STW Director, Nebraska Alliance for Learning
301 Centennial Mall South
P.O. Box 94666
Lincoln, NE 68509-4666
Phone: (402) 471-3741
Fax: (402) 471-3152
E-mail: dnaumann@ded1.ded.state.ne.us

NEVADA

Charlotte Curtis
State School-to-Careers Coordinator
Nevada Department of Education
700 E. Fifth St.
Carson City, NV 89701
Phone: (702) 684-8099
Fax: (702) 687-9114

NEW HAMPSHIRE

Justine Hale-List
Educational Consultant
Department of Education
101 Pleasant St.
Concord, NH 03301
Phone: (603) 271-3893
Fax: (603) 271-4079
E-mail: THalelist@ed.state.nh.us

NEW JERSEY

Thomas Henry
Director, Office of School-to-Work Initiatives
P.O. Box 500
Trenton, NJ 08625-0500
Phone: (609) 633-0665
Fax: (609) 984-5328
E-mail: thenry@doe.state.nj.us

NEW MEXICO

Vonell Huitt
Governor's Education Policy Advisor/
STW Coordinator
Office of the Governor
State Capitol Building, Suite 400
Santa Fe, NM 87503
Phone: (505) 827-3078
Fax: (505) 827-3026
E-mail: huittv@gov.state.nm.us

NEW YORK

Cynthia Laks
Coordinator, School-to-Work
New York State Education Department
Education Building, Room 305M
Albany, NY 12234
Phone: (518) 474-3302
Fax: (518) 486-5682
E-mail: claks@mail.nysed.gov

NORTH CAROLINA

Loretta Martin
Director, School-to-Work Transition
Commission on Workforce Preparedness
116 W. Jones St.
Raleigh, NC 27603-8001
Phone: (919) 715-3300
Fax: (919) 715-3974
E-mail: lmartin@work.state.nc.us

NORTH DAKOTA

Dean Monteith
N. Dakota/STW Opportunities System/
State Board for Vocational Education
State Capitol, 15th Floor
Bismark, ND 58505
Phone: (701) 328-3074
Fax: (701) 328-1255

OHIO

Robert L. Radway
Executive Director, Ohio School-to-Work
131 N. High St., Suite 500
Columbus, OH 43215
Phone: (614) 728-4630
Fax: (614) 728-6188
E-mail: rlradway@obes01.al.ohio.gov

OKLAHOMA

Belinda McCharen
State Coordinator
Department of Vocational & Technical
Education
1500 W. Seventh Ave.
Stillwater, OK 74074-4364
Phone: (405) 743-5158
Fax: (405) 743-5142
E-mail: belinda_mccharen@okvotech.org

OREGON

Nancy Hargis
Coordinator, School-to-Work Teams
Oregon Department of Education
255 Capitol St., NE
Salem, OR 97310
Phone: (503) 378-3584, ext. 350
Fax: (503) 373-7968
E-mail: nancy.hargis@state.or.us

PENNSYLVANIA

Michael Snyder
School-to-Work Opportunities Liaison
Pennsylvania Department of Education
333 Market St., Fifth Floor
Harrisburg, PA 17126-0333
Phone: (717) 772-4177
Fax: (717) 772-4178
E-mail: ostwll9@mail.idt.net

PUERTO RICO

Doris De Jesus
School-to-Work Opportunities
Mayaguez St. #5
Metro Center Building, Ninth Floor
P.O. Box 195207
Hato Rey, Puerto Rico 00918
Phone: (787) 250-0324
Fax: (787) 282-8393

RHODE ISLAND

Judith Marmaras
Rhode Island School-to-Work Director
Rhode Island Department of Elementary & Secondary Education
255 Westminster St.
Providence, RI 02903
Phone: (401) 277-4600 ext. 2136
Fax: (401) 277-2537
E-mail: ride0786@ride.ri.net

SOUTH CAROLINA

Jan Farrell
Office of the Governor/Education
1205 Pendleton St.
Columbia, SC 29201
Phone: (803) 734-6366
Fax: (803) 734-0245

SOUTH DAKOTA

Mary Ellen Johnson
Department of Labor
700 Governors Drive
Pierre, SD 57501
Phone: (605) 773-5017
Fax: (605) 773-4211

TENNESSEE

Gordon Fee
Executive Director, Department of Education
Andrew Johnson Tower
710 James Robertson Parkway, Sixth Floor
Nashville, TN 37243-0375
Phone: (615) 532-5942
Fax: (615) 532-4792
E-mail: FEEG@aol.com

Donna Spalding
Executive Administrator
Department of Education
Andrew Johnson Tower
710 James Robertson Parkway, Sixth Floor
Nashville, TN 37243
Phone: (615) 532-2718
Fax: (615) 532-4792
E-mail: dspalding@mail.state.tn.us

TEXAS

Deron Bissett
Research Specialist III (STW Coordinator)
Texas Workforce Commission
1117 Trinity St., Room 326T
Austin, TX 78778-0001
Phone: (512) 936-0370
Fax: (512) 463-2623
E-mail: deron.bissett@twc.state.tx.us

UTAH

Scott Hess
Coordinator, School-to-Careers
Utah State Office of Education
250 E. 500 South
Salt Lake City, UT 84111
Phone: (801) 538-7850
Fax: (801) 538-7868
E-mail: shess@usoe.k12.ut.us

VERMONT

Susan D. Auld
Commissioner
Vermont Department of Employment and Training
5 Green Mountain Drive
P.O. Box 488
Montpelier, VT 05601-0488
Phone: (802) 828-4301
Fax: (802) 828-4022
E-mail: sauld@pop.det.state.vt.us

Jeanie Crosby
Director, Office of the Governor
120 State St.
Montpelier, VT 05602
Phone: (802) 828-5403
Fax: (802) 828-3146
E-mail: jcrosby@gvr.state.vt.us

VIRGINIA

Randolph A. Beales
Virginia Business-Education Partnership
200-202 N. 9th St., Fifth Floor
Richmond, VA 23219
Phone: (804) 692-0244
Fax: (804) 692-0430

WASHINGTON

Kyra Kester
Associate Director, Planning and Coordination
Workforce Training & Education
Coordinating Board
Building 17, Industrial Park
P.O. Box 43105
Olympia, WA 98504-3105
Phone: (360) 586-8678
Fax: (360) 586-5862
E-mail: kkester@wln,com

WEST VIRGINIA

Ron Grimes
Director, Office of School-to-Work
1900 Kanawha Blvd., E.
Building 6, Room 235
Charleston, WV 25305-0330
Phone: (304) 558-2389
Fax: (304) 558-3946
E-mail: rgrimes@access.k12.wv.us

WISCONSIN

Vicki Poole
Division Administrator
Department of Workforce Development,
Connecting Education & Work
201 E. Washington Ave., Room 231 X
Madison, WI 53702
Phone: (608) 266-0223
Fax: (608) 261-6698
E-mail: poolevi@mail.state.wi.us

WYOMING

Patti Muhlenkamp
Wyoming School-to-Work
2300 Capitol Ave.
Hathaway Building, Second Floor
Cheyenne, WY 82002
Phone: (307) 777-7624
Fax: (307) 777-6234

Other School-to-Careers books from AVA

Poverful Partnerships: School-to-Careers Success Through Business and Education Cooperation
This step-by-step guide shows you how to turn all the talk about partnerships between education and business into reality. 1996, 235 pages.
AVA #PARTNER $49 ($59 Non-Member)

Successful Strategies: Building a School-to-Careers System
Featuring 31 educators recounting their system-building achievements. 1995, 377 pages.
AVA #SUSTRAS $59 ($79 Non-Member)

Helping Students Plan Careers: A School-to-Careers Guide for Counselors
By Nancy Perry & Laura Ward
How counselors can advance school-to-careers education by helping students relate what they're learning in school to career pathways. 1997, 127 pages.
AVA #HELPING $24.95 ($28.95 Non-Member)

To order, call AVA Product Sales toll-free at (800) 826-9972

For more information about school-to-careers and vocational-technical education, contact the American Vocational Association at (800) 826-9972. Or visit AVA at www.avaonline.org. See the inside back cover of this book for resources available through AVA's Product Sales Department.

Published by the American Vocational Association

Providing educational leadership in developing a competitive workforce

BEST COPY AVAILABLE